

# **Divorce in the Muslim Community of the Western Cape**

A demographic study of 600 divorce records at the  
Muslim Judicial Council and National Ulama Council  
between 1994 and 1999

**By: Mogamat Yoesrie Toefy**

**[BA *South Africa*, BA (Hons) (Arabic) (Psych)  
*Western Cape*]**

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Psychology, Faculty of Humanities, University of Cape Town,  
South Africa

**Supervisor:**

**Associate Professor Sally Swartz**

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## DECLARATION

I declare that thesis hereby submitted to the University of Cape Town for the Degree of Master in Psychology, has not previously been submitted by me for a Degree at this or any other University, that it is my own work in design and execution, and that all material contained therein has been duly acknowledged.

Signature : .....

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## ABSTRACT

This thesis examines marital discord and dissolution within the Muslim community in the Western Cape. The writer contends that the rising incidence of divorce in a community may indicate underlying social upheaval especially within its family unit. Marriage and divorce reveal individual characteristics, faulty norms and disfunctionality that may be generalised to greater societal trends within a community. The aim of this study is to identify the main reasons and contributing factors that lead to divorce. Such data will assist in planning and supporting proactive communal programmes to reduce the high divorce rate in the community.

The study examines the demographic trends in the Muslim population seeking divorce in the Western Cape. The writer recognises the occurrence of unilateral male divorces, whereby the husband has the power to unilaterally divorce his wife without a mediating agency. However, the main source of information, the archival records at two Islamic organisations, the Muslim Judicial Council (MJC) in Athlone and the National Ulama Council (NUC) - also known as Islamic Unity Convention - in Grassy Park, offer access to divorce patterns across wide sectors of the Muslim community.

The South African Government's Census 96, as well as other statistical reports from Statistics South Africa, will be used to ascertain the extent of the divorce rate among the Muslim Community in comparison with other population groups.

The analysis of the data highlights several areas of concern. A high incidence of divorces among religious converts is notable at first glance. Another trend is the high incidence of premarital pregnancy marriages. This is a phenomenon that occurs when the woman becomes



pregnant before marriage and due to pressure from the family and community, the couple marry to 'make things right'.

The findings of this paper suggest that proactive programmes must be designed, to assist existing programmes to adequately help couples in distress. The high incidence of converts within the divorce sample suggests that extensive conversion programmes are necessary to assist and guide converts before the marriage takes place. Another observation is that the social practice of forcing a couple to get married once a pregnancy occurs should be re-evaluated. The results suggest the need for planning structures that are more effective at an earlier point, before the marital crisis. Another issue of concern is the seemingly inadequate counselling period for couples at the two divorce agencies, the NUC being the better of the two. Intensive training programmes in crises counselling and couple and individual counselling for the counsellors employed at the agencies, as well as a re-evaluation of the administrative structures are required. This study should be seen in this context and its considerations and recommendations should be used to guide further research into the development and implementation of such programmes.

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All praises be to Allah (SWT) and Peace and salutations on His Prophet (PBUH).

I thank my wife and partner in life, Zubeida Isaacs. Together, boundaries are infinite and possible.

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The Muslim Judicial Council (MJC) and the National Ulama Council (NUC) made the study of the Muslim community of the Western Cape possible by providing me access to sensitive data in their archives. I am indebted to the tireless counsellors whose reports and observations formed the core part of this study.

Acknowledgement is made here of the advice and interest in the study and its methodology which was received from the directors of the MJC and the NUC in Cape Town, South Africa; and Dr Clarke McCaughly and Dr Sonja Roccas at the Solomon Asch Centre for the Studies of Ethnopolitical Conflict in Philadelphia, United States of America.

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## **PREFACE**

The Cape Muslim community has always viewed the subject of divorce with distaste. Cultural norms within the community have traditionally dictated that this social phenomenon be kept private and not be exposed. This phenomenon offsets a growing rate of divorce among Muslim couples that has reached ‘epidemic proportions’ (Muslim Judicial Council, 1997). The social trends that underlie this high divorce rate have never been studied. This study aims to find the demographical trends that exist in the Muslim population in the Western Cape seeking divorce from the Muslim Judicial Council (MJC) and the National Ulama Council (NUC) between January 1996 and December 1999. The method proposed is to mark and pool the archival records from the archives of the MJC and the NUC for the period starting January 1996 until January 2000, and utilise it as one sample. These records will be drawn on a stratified schedule by year and the numbers for each organisation will depend on their relative contribution to the sample. The study will attempt to identify the main demographic characteristics of the study population as well as explore the emerging trends in the data set.

### **Motivation for this study**

The motivation and commitment to do this study is framed by the multiple and interrelated perspectives and experiences I offer to this thesis. I was a fledgling and overworked worker in a community organisation, caught up in the ‘so much to do, so few hands’-vortex that prevents most of my peers from seeking continued education and self-improvement. I was an inadequately trained worker involved in the burdened marital counselling structures in the community where the majority of distressed couples come to seek official ratification of their decision to divorce, rather than to seek therapeutic assistance. I was an Islamic theological student coming into the Cape Town community and experiencing the problems faced by my

peers as outlined above. Finally, I see myself as a student of the social sciences who is attempting to understand the social and demographical trends in the community.

These skills and experience I have gained over the last 15 years prompted me, in a large part, to attempt to understand the complex problems facing the community structures that are attempting to cope with the overwhelming social burden of divorce.

## **Statement of the problem**

There are two sides to the problem of divorce in the Muslim community that need to be addressed: one is of a descriptive nature and the other of an organisational structure. The first part merely states that the phenomenon is not described yet. In the literature on the Muslim Cape community, nothing has been written on the subject at hand. It is therefore empirically illogical to attempt to ascribe cures for an ailment that has not been defined.

There are several problematic levels on the organisational and structural front; the main one being that all existing structures to deal with the rising divorce-rate in the community have been created reactively and they are concentrated at the end-phase where religious decrees and judgements are issued. Lower-end structures tend to serve only a channelling function to the decree stage. Therapeutic interventions are rarely effective because the community has come to understand that this was how the system works. Distressed couples would therefore allow matters to deteriorate to a point where divorce is inevitable. If the couple seeks help before reaching this nadir in the relationship, the couple is enthusiastically told to go home and 'exercise patience with one another'. Relationship issues are rarely resolved because either the counsellor is not skilled enough to facilitate with proper intervention processes or the workload of the counsellor is too large. In many cases, it is both (A.M. Saban, personal

communication, October, 1999).

The communal assumption that anyone endowed with religious knowledge is automatically a relationship counsellor or mediator, places an unnecessary burden on both the fledgling imam,<sup>1</sup> as well as on the communal structure that he serves. In short, imams and shuyookh, with the rare exception, have no formal training in marital therapy or conflict resolution. All skills are acquired through experience in the field (A.M. Saban, personal communication, October, 1999).

## **Structure of thesis**

**Section One** will examine the background of this study. It will discuss the historic nature of the Muslim community of Cape Town and the difficulties it faces in establishing a unified front to combat communal problems. It will also focus on the Muslim community as an ethnic minority and will also briefly discuss the mechanisms of Islamic divorce and their judicial consequences from an Islamic legal perspective.

**Section Two** will examine the literature on the subject of divorce in general, especially on the issues of marital discontent, conflict, and dissolution. It will focus on how divorce affects not only the physical and psychological health of affected individuals but also that of their families. Literature will also be examined on the Cape Malay community. The study will look at the phenomenon of Islamic divorce literature as a juristic construct and a legal event embedded within South African law. Lastly, the writer will examine literature on divorce in general, discuss the rate and incidence of divorce in the South African society, and examine some international studies in that regard. It will also examine the main patterns identified by

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<sup>1</sup> These judicial Arabic terms will be explained in Appendix 1

psychological research on the subject of distressed marriages.

**Section Three** deals with the question of methodology and will examine how this study was conceptualised and designed. The archival records that are used as the exclusive source of this study's data are described in detail. Their structure is scrutinised and their shortcomings are discussed, such as the subjective reporting of a third party as well as biased reporting from the applicant in the absence of the respondent. Methodological issues of subjects and sample size as well as the formulation of the category tables will also be discussed here.

The section discusses the subject selection with particular emphasis on the selection split between the MJC and the NUC. The initial adoption and redesigning of the inventory that is used in this study is discussed with special attention given to the items that were added or deleted. The "Employment" measure and how the sub-items of this measure were applied to the data are discussed. Lastly, an overview of the statistical methods used in this study is discussed.

**Section Four** deals with the discussion and analysis of the results obtained as well as the issue of reliability of data.

**Section Five** discusses the analysis in light of existing literature and draws some conclusions and recommendations for proactive intervention strategies. It concludes with some implementations for future research.

**Appendices:** There are two appendices to this study. The first appendix contains a glossary of Arabic and Islamic terms used in the study and the second appendix contains all the data tables of the study.

## **DEDICATION**

To the tireless community worker...  
working in strength through adversity

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## **SECTION ONE: BACKGROUND TO THE STUDY**

### **1.1 Historical and social aspects**

#### **1.1.1 The nature of the Cape Muslim community**

The Cape Muslim community has been a diverse and dynamic community since the establishment of the first mosque in Dorp Street, Cape Town in 1794 (Davids, 1980). This dynamism and diversity assisted the Muslim community to become one of the influential forces in the Cape Town society. For example, all poultry and three-quarters of bovine meat slaughtered in the Western Cape is slaughtered halaal, that is, in an Islamic manner,<sup>2</sup> and there is a commercial bank, namely Albaraka Bank in Cape Town which runs exclusively on Islamic principles (Muslim Judicial Council Halaal Trust, 1999).

#### **1.1.2 Mosques - Traditional islands of autonomy**

Muslim communal activities have always revolved around the local mosque in the area. The community usually elects the imam who officiates over events such as weddings, funerals, divorces, and name-giving ceremonies. Historically, these imams were charismatic leaders who had a devout and loyal following (Davids, 1980). If any split occurred in the congregation, it normally occurred between the imam and an emerging rival leader or the mosque committee. The dissident group would merely pack up and establish another congregation nearby. As a result, many mosques were established close to each other. Issues of disagreements between the leaders normally created well-defined in- and out-groups in the broader community. These demarcations were often in line with the various mosques in the different areas and the informal alliances they formed with one another.

The only funds available for the upkeep and maintenance of the mosque and the salary of the imam, the gatiep, and the mu-azzin were collected from the congregation, door-to-door, via the weekly collectors. Every mosque had its own registry that included births and deaths as well as marriages and divorces to ensure a proper collection system (Dangor, 1984). The concept of a central registry in the Cape was never contemplated, because there was neither communal need for it nor any infrastructure to support it.

### **1.1.3 Leadership and followers**

Since the nineteenth century, leadership in the Cape Muslim community remained firmly attached to the mosque and while some were more influential than others, such as the Azzavia Mosque in Walmer Estate, few ventured past territorial boundaries of a particular area (Da Costa, 1994).

At the turn of the twentieth century, new developments that took place within the Muslim community led to a partial restructuring of this status quo. Even though no political organisation emerged to speak on their behalf, Ahmad Effendi attempted to represent them in the Cape City Council; his efforts, however, were not successful (Haron, 1999). Dr Abdullah Abdurahman, a medical doctor, made great strides in forming the African Political (later People's) Organisations (APO) that sought to alleviate the political grievances of the Muslims and Coloureds in the Cape Town area. They established a series of Muslim missionary schools, which were to act as bulwarks against Christian teachings offered at the public schools. The APO's influence as a political body however, declined during the 1920s. Two other organisations, which were primarily concerned with the affairs of Muslim Malays, were the South African Moslem Association (SAMA) established in 1903, and the Cape Malay

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<sup>2</sup> For more information on the Islamic manner of slaughtering an animal, please consult general Fiqh books such as Amin



Association (CMA) established in 1923. Both organisations aspired to take care of the socio-politico-religious needs of the Cape Muslims (Haron, 1999). The latter organisation also strove to establish the 'Cape Malay' as a separate and superior identity from the 'Coloured' communities in the Cape (Haron, 2001).

Friction within the various groups in the community frequently occurred when individual imams issued religious decrees. By the 1940s, there was a great need for a central body of ulama to oversee the issuing of religious decrees, to regulate halaal foodstuff and to handle the proliferation of social cases in the community (MJC Halaal Trust, 1999).

On 10 February 1945, at the initiative of the Muslim Progressive Society, the Muslim Judicial Council (MJC) was established, incorporating 62 out of the 68 imams in greater Cape Town and Boland. For the next 35 years, it operated on a part-time basis out of several mosques, but due to the unprecedented increase in social problems in the Cape Muslim community, the MJC was finally housed in Athlone (Adams, 1997). For the first time, a central registry was possible. In the mid-1980s however, after a disagreement in the leadership structures of the MJC, the Muslim Assembly or Majlis ash-Shura established itself in 1986 and drew support from several mosques. It aligned itself as a rival organisation to the MJC.

Today, because of all this fragmentation, several organisations in Cape Town offer independent social-welfare assistance and in particular, divorce courts: the MJC, Muslim Assembly, Islamic Council of South Africa (ICSA), National Ulama Council (NUC) and some individual shuyookh. Other out-lying regions are serviced by regionally based bodies such as the Boland Islamic Council (BIC)<sup>3</sup> and although all divorce decrees are supposed to

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Fakeer's "Ar-Risaalah Al-Mufeedah: A Book on General Islamic Knowledge"

<sup>3</sup> There are several towns in this region under the official ambit of BIC: Paarl, Stellenbosch, Wellington, Malmesbury, Kuilsriver, Worcester, Atlantis, Strand and Ceres.

be issued by a central office situated in Paarl, individual towns handle their own divorces. Many other Islamic organisations offer social welfare services such as the Islamic Social Welfare Association (ISWA) and Mitchell's Plain Social Welfare Association (MISWA) and other social services attached to local mosques. However, all impending divorce cases are forwarded to the MJC or the NUC where judgements are passed.

Obstacles facing a single communal registry are numerous. The main ones are the obvious logistical problems that such a registry would face, the apparent disregard for proper archiving, and a conscious effort to downplay the social phenomenon of divorce in the community. Another crucial factor is the animosity that exists between some community leaders and organisations that hampers access to relevant information.

#### **1.1.4 The Cape Muslims as an ethnic minority**

The Muslims form part of a group of ethnic minorities that thrive in the Greater Cape Town Area. To give a better understanding of an ethnic minority, a brief discussion to contextualise the Cape Muslims in this regard is warranted.

In the Greater Cape Town area today, Islam is no longer the exclusive domain of the 'Cape Malay'<sup>4</sup> but transcends racial, linguistic, cultural, and economic differences.

One of the main consequences of the forced removals in the 1960s and 1970s under the guise of the Group Areas Act was the dismantling of predominantly Muslim neighbourhoods, such as District Six in Cape Town and the main 'Malay'-quarters in Fishhoek, Harvey Road, and Constantia. These displacements dispersed Muslims into outlying areas with other groups of different ethnicities. Increased contact between the various groups inevitably meant a degree

of racial and ethnic assimilation by way of inter-marriages and conversion into the Muslim community, especially from the Coloured communities (Haron, 1999).

#### *1.1.4.1 The Cape Muslims as an ethnic group*

Kaplan (1994) chose to define ethnicity by looking at four factors: ancestry and biological self-perception, name, religion, and culture. Looking at each of these factors individually and then collectively should bring one close to determining the level of ethnicity of members to a group and the ethnic cohesiveness of the group itself.

##### *1.1.4.1.1 Ancestry and biological self-perception*

Hutnik (1991) maintains that a child that is born from a union made up of parents of the same ethnic background is, by definition, also of that ethnic background. Isaacs (1975) held that one of the most important aspects of ethnic identity is a general identification of racial or bodily features, the other one being that of 'name'. In looking at Cape Muslims, this identifying factor was acceptable a few centuries ago as most of the original Muslims at the Cape were of Malay or Eastern descent (Da Costa & Davids, 1994). The Cape Muslims came to be called 'Cape Malay' not for ethnic reasons but for linguistic ones since Malay was the lingua franca of the Indonesian archipelago and was widely spoken at the Cape during and before the 19th century (Shell, 1974). Bradlow attempted, via statistical data, to demonstrate the diverse origins of Muslim slaves and free Blacks and suggested that 51,36 percent hailed from India and only 44,38 percent came from the Indonesian Archipelago. He concluded that the term 'Malay' is used, not so much to denote ethnic origin, but more because many of the Cape Muslims spoke the Malay language (Haron, 2001). The counter-argument to this lingua

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<sup>4</sup> These racial demarcations were formulated by the Population Registration Act no. 30 of 1950, which set out the racial demarcation laws in South Africa.

franca-hypothesis is that if the majority of Muslims came from areas other than the Indonesian Archipelago, then what were the reasons that caused the Malay language to become widespread amongst the rest of the community? Haron concluded that there were not enough primary or secondary sources to adequately answer this question.

#### ***1.1.4.1.2 Name***

Isaacs (1975) maintains in his concept of ancestry, that the aspect of name is a strong indicator of ethnicity. For the Muslim community, this aspect is indeed a strong ethnic indicator. During the slavery centuries, the slave-owners strove to deny the original Muslims at the Cape a sense of community by, amongst other things, depriving Muslims of their Muslim names. These names were usually of Arabic, Persian, or Urdu origin. The slave-owners deliberately chose Christian names such as “Jan” or “Saartjie” for their slaves (Davids, 1985).

Unlike some ethnic minorities in Cape Town who gave names that were designed to draw attention away from their ethnicity, names have a strong link to religion for the Cape Muslims. Converts to the Islamic faith are urged to adopt a Muslim name and it is unimaginable in the Cape Muslim community for a convert to retain his or her former name.

#### ***1.1.4.1.3 Religion***

Religion as an indicator of ethnicity is the most important aspect in the Cape Muslim community. It transcends all other ethnic indicators. Islam is practised by predominantly the Coloured, Indian, and Black populations in Cape Town, from affluent areas such as Constantia and Claremont to the shantytowns of Khayalitsha. Identification with being a Muslim and part of the Muslim community overrides, at least partially, all other social considerations.

It was particularly during the difficult decades of the 1970s and 1980s amidst continuous and traumatic social and political crises in the country that the younger generation of 'Cape Malays' chose to identify with the religious label instead of the ethnic one. They thus preferred to be called 'South African Muslims' instead of 'South African Cape Malays' (Haron, 2001).

Adhikari (1989) explains why 'Malays' came to be subsumed under the broader Coloured identity, and largely, retained a separate identity within the umbrella of group consciousness. He posited that those from diverse cultural and racial categories, who embraced Islam at the Cape, identified with the 'Malay' community. He also mentioned that the 'Malay' group identity was reinforced by the attitudes and behaviour of the rest of the society that was predominantly Christian.

#### ***1.1.4.1.4 Culture***

The conceptual understanding of the word 'culture' invokes many salient characteristics such as social norms, common history, religion, etc. It is therefore important to regard culture as an ethnic indicator (Barbrook, 1992). Before the displacement of the Muslim Communities to townships on the outskirts of Cape Town, a distinct cultural nuance was ascribed to the 'Cape Malay'. They dressed differently and acted in a very distinct manner when they conversed, acted, and interacted each other and with others. This distinct nature has somewhat been diluted in recent years as other racial groups accepted Islam and introduced nuances of their own cultures into the Muslim community. This is especially true with the influence of the Indian community.

#### *1.1.4.2 The Cape Muslims as a minority group*

Kaplan (1993) also characterised a minority group by means of three factors: number, power, and discrimination.

##### *1.1.4.2.1 Number*

According to the data collected in the Western Cape by the national census in 1996, there are 3 956 876 people living in the Province, of which 263 913 (6.67 %)<sup>5</sup> are Muslim. The Cape Muslims are therefore a numerical minority.

##### *1.1.4.2.2 Power*

Muslims have traditionally come from the 'oppressed' groups during the Apartheid years. There has been considerable mobility in the community, on the economic front as well as the political front in some regard. A large majority of Muslims remain, however, without political and economic power.

##### *1.1.4.2.3 Discrimination*

As a numerical minority, coupled with the history of South Africa prior to 1994, it is understandable that the Cape Muslims have been subjected to overt as well as covert discrimination through their history. Overtly, the Muslims have been categorised as non-White and non-Christian and have suffered from overt acts of discrimination such as forced removals and limited employment opportunities. There has also been subtle discrimination of an ideological nature. The school system, for example, was operated on Christian principles and Christianity was openly preached in schools. Muslims, pejoratively referred to as

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<sup>5</sup> This number has been contested by many community organisations as being too low. The most conservative estimates range from between 10% to 20%. Allegations of political wrangling, under-reporting and a lack of full disclosure from mistrusting communities were given as reasons for this low number.

“Slamse”<sup>6</sup> because of their steadfast resistance to active assimilation and their insistence on a distinct religious identity, made easy targets for ideological prejudice from the mainly Christian majority.

Sociological theories, such as the Social Identity Theory proposed by Tajfel (1982) maintain that minorities that suffer punitive measures for merely being different, actively seek to assimilate themselves into the larger community to escape persecution and a sense of inferiority. Hutnik (1991) disagrees and says that this is not an automatic route of oppressed minorities. Some minority groups, especially those based on a religious affiliation, such as the Cape Muslims, frequently reject the inferior label and assert their own distinctiveness. The way the larger community interacts with the minority group also plays a big part in how the minority sees itself and the larger out-group. The minority group might have two types of responses: inner-directed and outer-directed. The inner-directed response may vary from intense group pride to a strong sense of inferiority and self-hatred. The outer-directed response toward the dominant group ranges from identification with the out-group’s values to an attitude of complete rejection or militant aggression (Brown & Roucek, 1952).

Some quarters of the Cape Muslim community have leaned to the latter sentiment. Groups such as PAGAD and Qiblah<sup>7</sup> are glaring cases in point. On the face of it, however, there are aspects of both ends of the spectrum present in the community. A quick survey of the youth on a Saturday evening at the Waterfront, a popular gathering place for the youth in Cape

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<sup>6</sup> There are two theories to the origin of this word. First, the word is a colloquial derivation of the word ‘Islam’. The other explanation is that it was derived from the word ‘slum’ and refers to the places where Muslims were usually located.

<sup>7</sup> The organisation, People Against Gangsterism and Drugs (PAGAD), has been in the forefront of popular communal dissent against the societal evils of gangsterism and drugs and the inability of the State to combat them adequately. This organisation has since its inception in the early 1990s, taken the task upon itself to rid the community of gangsterism and drugs using any means necessary. It recently ran foul of the authorities and has been implicated in a spate of bombings and other acts of urban terror.

Qiblah has its roots in the liberation struggle of the 1970s and has been located on the far left of the political spectrum. Both groups, especially Qiblah, are vocal proponents of a distinct Islamic identity and self-rule.

Town, would not be able to distinguish the Muslim youth from the rest of the youth, in both mannerism and appearance. On this side of the spectrum, it could be termed as a complete cultural assimilation. On the other side of the spectrum, anti-West sentiments are present at any Muslim protest march around the city. Here, the rejection of the values of the out-group is complete. In reality, it seems that the majority of Muslims in the Greater Cape Town area falls around the centre of the spectrum, where there is an acceptance of superficial out-group values but a quiet but firm adherence to Islamic and cultural values.

## **1.2 A brief explanation on the mechanisms and implications of Islamic divorce<sup>8</sup>**

There are two ways of terminating a marriage contract in Islamic Jurisprudence:<sup>9</sup>

### **1.2.1 Talaq**

The word “talaq” is an Arabic word that literally means ‘to untie (a knot)’ and it generally refers to the dissolution of a marriage contract (Ahmed, 1978). The husband does this by pronouncing a declaration of divorce (a divorce decree) to his wife. An example of a divorce decree would be the phrase: “I talaq you”. As mentioned previously, only males are allowed to utilise a unilateral divorce decree. The exact incidence of this type of divorce is not known in the community (A.M. Saban, personal communication, October, 1999). This meant that the divorce process had the potential to be haphazard and chaotic as husbands could marry and divorce as they choose. Although Islam allows polygamous marriages, the limit is four wives and there are stringent rules to ensure equality among the wives. There was thus a need to keep track of marriages and divorces in the community.

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<sup>8</sup> For further reading refer to *Muslim Law of Divorce*, K N Ahmed, 1978



There are civil administrative implications as well, as government housing subsidies and financial grants were awarded or disallowed according to the couple's marital status. To discourage the practice of unilateral divorces and bring conformity to the divorces granted in the community, Islamic organisations and the Civil courts and governmental agencies, insisted that all divorces had to be confirmed by official Muslim judicial structures. South African civil law only recognises marriage and divorce certificates from large and recognised Muslim Organisations such as the MJC and the NUC (A.M. Saban, personal communication, October, 1999).

### **1.2.2 Fasakh**

This word literally means 'to annul' and it is referred to as an annulment of the marriage by a qadi. This occurs when either spouse renounces their religion, when the marriage is declared technically invalid or, as in most cases, when the wife requests the dissolution of the marriage. She would apply to the qadi and the qadi would then grant the annulment (Salie, 1993).

### **1.2.3 Their judicial consequences**

After the divorce decree by either the husband or the qadi, the woman enters into a waiting-period of three menstrual cycles called the 'iddah' to ascertain, with certainty, that she is not pregnant from the marriage. If she is menopausal, then a period of three lunar months is prescribed. This period is also considered as a cooling-off period for both spouses wherein they, if they so wish, could reconcile. Maintenance of the wife and the household remains the duty of the husband for this period, and if she is found to be pregnant, then the iddah-period

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<sup>9</sup> There are more ways of terminating a marriage contract, but for the sake of brevity and the purpose of this paper, I will only concentrate on the two main ones.

extends until after the birth of the child (Ahmed, 1978). According to Islamic law, a spouse is only allowed three divorces within a marriage. In other words, the process of divorce followed by reconciliation before the iddah-period expires is only allowed to occur twice. The third one becomes irrevocable, where after the iddah-period the couple must part ways. The only way of getting back together in the future would be subject to her getting married to another man via a valid marriage contract. This marriage must be consummated, her divorce from the second man must be valid and follow the proper procedure, and only then would she be free to marry her former husband (Salie, 1993).

#### **1.2.4 Issues of joint estate, alimony, custody and maintenance**

Islamic law parallels western Family law on issues such as maintenance of minor children within and outside the marriage and that of the wife within the marriage. Islamic marriages are naturally antenuptial (Fakier, 1995) and are similar to the 'marriage out of community of property but with community of profit and loss' in South African Family law. This system dictates that both partners retain their respective possessions that they brought into the marriage and the possessions accrued after the date of marriage form part of the joint estate that is owned and managed jointly (Visser and Potgieter, 1998). The only difference in Islamic law is that any assets accrued by the wife in her own capacity, even after the date of marriage, remains part of her estate (Fakier, 1995).

Contrary to western law, and this excludes factors such as outstanding debts towards the wife's estate and the maintenance for all children born from their union, Islamic law prescribes that the husband's financial responsibility towards his wife cease when her iddah-period ends. The rationale behind this lies in the fact that divorce is a mechanism that severs

all ties between two individuals and they, in fact, become strangers<sup>10</sup> to one another. Islam prohibits 'casual intermingling'<sup>11</sup> of strangers of the opposite gender. The paying of alimony does not allow this severance to take place and allows the former husband to have certain links with, and sometimes, power over the former wife (Ahmed, 1978). Under an Islamic system, the woman can never be destitute, as she will constantly remain under the guardianship of someone, her husband, her family, or the State (Salie, 1993).

The custody of minor children depends on whether they have reached the age of understanding. This is the age when a child gains a measure of independence from his or her caregiver. This includes eating unaided and attending independently to his or her toilet needs, dress, and do other acts independently. Islamic law recommends that until this age is reached, the fittest person to look after the child is the mother. After reaching this age of understanding, Islamic law suggests that the child must be trained for life. The father would thus be the suitable one to rear the boy and the mother, the girl. She would remain with her mother until she attains a marriageable age. The father would be liable to maintain the child directly and the mother, indirectly as the child's caregiver (Ahmed, 1978).

### **1.2.5 Muslim marriages and the post-Apartheid South Africa**

In the past, marriages solemnised under Islamic rites were not recognised by the South African civil law. In order to reap the advantages of civil marriages, such as having children recognised as legitimate or one spouse becoming the automatic beneficiary of the other when the spouse died intestate, Muslim couples had to re-marry at a local Magistrate's Office (South African Law Commission, 1999).

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<sup>10</sup> This legal term means anyone whom you are allowed to marry in Islamic law.

<sup>11</sup> Intermingling for a purpose such as education or a meeting is allowed under restrictive conditions.

With the advent of South Africa's new Constitution, wherein Section 9 provides that one must not be discriminated against, based on criteria such as sex, gender, religion and lineage, active lobbying has been carried out to revoke the past laws regarding marriages and births. The question of the legal status of children born in Muslim marriages was addressed in the Births and Deaths Registration Amendment Act No. 40 of 1996, where legal marriages, in terms of this Act, included unions solemnised by all the major religions, such as Islam, Judaism and Hinduism. The formal recognition of Muslim marriages, however, has been hampered with one major constitutional technicality, the potential for Muslim marriages to be polygamous. This polygamous element was deemed by the Courts to infringe the wife's status in accordance with Section 9 of the 1996 Constitution. In the case of *Ismail v Ismail* (1983)<sup>12</sup>, the divorced parties were married under Islamic law. After the divorce there was a dispute over the division of property and the other obligations of the husband after the marriage. The Appellate Division dismissed the case on the basis that Islamic marriages were not recognised because they were potentially polygamous. The Court also held that such marriages were not legal in South Africa as they were against public policy.

This decision was successfully challenged in *Rylands v Edros* (1997)<sup>13</sup> where counsel for the plaintiff argued that the public policy of disregarding other cultures or marriages or religions was something of the past and therefore could not be regarded as the public policy of present-day South Africa. There existed a new public policy of understanding and tolerance for different groups and different cultures in post-Apartheid South Africa. The Court agreed with the arguments presented on the question of recognition of marriage and disregarded the judgement in *Ismail v Ismail*. Up to the time of the writing of this paper, nothing concrete has

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<sup>12</sup> see *Ismail v Ismail* 1983 (1) SA 1006 (AD)

<sup>13</sup> see *Rylandsv Edros* 1997 (2) SA 690 (C)

been forthcoming from the legislature. An interesting development, however, is the judgement in the case of *Amod v Multilateral Motor Vehicle Accident Fund* (1999)<sup>14</sup>. The respondent was ordered to pay the benefits of the deceased to the applicant, thus recognising the marriage union between the applicant and her deceased husband (De Rebus, October 1999). Whether this is interpreted as a full or a partial recognition of Muslim marriages by the courts remains to be seen. The uphill and drawn-out battle seen in *Amod v Multilateral Motor Vehicle Accident Fund*, even with the seemingly favourable judgement of *Rylands v Edros*, is a strong case in point. Critics point out that the judgement was awarded on the basis that she was a common-law wife of the deceased rather than that she was married to him under Islamic law (M. Paleker, University of Cape Town lecturer, personal communication, February 2002).

In conclusion, this thesis contends that Islamic marriages are not yet recognised as legal unions in South African civil law. Muslim couples, married solely by Islamic rites, do not enjoy the benefits of legal unions such as intestate succession, death benefits, and automatic child custody. There are decisive legislative and legal moves to rectify the situation, notably from the Muslim Personal Law Commission at the Centre for Applied Legal Studies, University of Witwatersrand (South African Law Commission, 1999).

### **1.2.6 The practical procedure of a Muslim divorce**

The standard operational procedure at the MJC<sup>15</sup> from the initial complaint to the granting of the divorce, is as follows:<sup>16</sup>

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<sup>14</sup> see *Amod v Multilateral Motor Vehicle Accident Fund* 1999 (4) SA 1319 (SCA)

<sup>15</sup> This would also be reasonably standard in other Islamic Judicial organisations.

<sup>16</sup> The following section is from personal interviews I conducted with Imam Abdul Moutie Saban (October, 1999) and Shaykh Abdur Rageem Abduraof (July, 2000) as well as my personal experience at the MJC's Social Welfare Department.

The applicant completes the intake form and has an introductory session with a counsellor to record the reasons for seeking a divorce. A second session is scheduled for two to three weeks later, and a letter is sent to the respondent informing him or her about the proceedings and inviting him or her to attend the second session. If both parties attend the second session, the counsellor listens to both parties and explores all possible avenues for reconciliation. If unsuccessful, a time-out period of about three to four weeks is then instituted, which is followed by a third session. In the third session, the couple is again asked to reconcile. If both parties remain adamant about separating, a court appearance is scheduled in the Islamic Court, usually a month later, for both parties to attend where the divorce is finally granted. The whole procedure usually takes approximately three months to conclude. Problems arise, however, when one party is uncooperative and does not attend the scheduled consultations. In this case, three letters are sent to the absent party and if he or she is still unresponsive, the procedure proceeds without him or her. Unfortunately, this can delay the process considerably. There are some instances where divorce proceedings can be stretched into years. The counsellors operate under the presumption that if one or both parties give any indication of wanting to reconcile, a divorce is never granted. The parties would have countless counselling consultations before the counsellors or one of the spouses give up. It is a recorded fact that only two in every five divorce-applications at the MJC and the NUC are converted to actual divorces (MJC, 1997). The date of the issue of the divorce marks the beginning of the wife's iddah-period. After this period, the couple meets again with the counsellor who, after confirming that no reconciliation occurred between the spouses, issues a final divorce decree.

### 1.3 The divorce rate in South Africa

Although the crude divorce rate<sup>17</sup> for 1998 of 662 for every 100 000 married couples seems relatively low, South African ethnographers maintain that a significant number of traditional and religious divorces are not reported (Statistics South Africa, 2000). Several problems exist in the collection of marriage as well as divorce statistics:

The infrastructure for collecting data from the Registrars of the various High Courts in South Africa has been lacking and insufficient to date, resulting in under-reporting of marriages and divorces.

At the coding stage, coding is only assigned to religious denominations with significant numbers of marriages and divorces, therefore excluding minority communities.

Prior to May 1999, the divorce-form that is administered by the Registrars of the twelve High Courts and which constitutes the basis from which Statistics South Africa derives its divorce data, excluded religious and customary marriages.

No consideration has been given to annulments. An annulment is another legal way in which a marriage can be dissolved. It makes the marriage contract void from its inception and confers on the parties the status of never having been married or the status they held before being married. A divorce is distinctive from an annulment, in that the former is based on some condition existing at the time of the contract, whereas the latter is granted based on some condition arising during the contract (Statistics South Africa, 2000).

Current estimates in the United States of America of the chances of first marriages ending in

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<sup>17</sup> The Crude Divorce Rate is calculated by dividing the number of divorces by the number of married females in a given year.

divorce range between 50 percent and 67 percent (Martin and Bumpass, 1989). Failure rates for second marriages are about 10 percent higher than for first marriages. There is a higher divorce rate in Black communities than in White communities (Norton and Glick, 1979; Udry, 1966). This phenomenon can be linked to a lower economic position that may create psychological and social discord in the family, which directly lowers marital satisfaction (Luiza, Chan and Heaton, 1989).



## **SECTION TWO: LITERATURE REVIEW**

### **2.1 Starting point**

“Why do research on a topic that will place the community in a bad light?” This was a remark made by a religious elder when I made my intended study known. This reaction highlights the societal distaste and active suppression of the topic of divorce in the Muslim community. A vivid example of this phenomenon is found in the biography of one of the leading figures in Cape Muslim history, Muhammad Salih Hendricks of the Azzavia Mosque in Walmer Estate, Cape Town. In 1903, he divorced his Saudi wife whom he had married while studying in Saudi Arabia and sent her back to Mecca. It is depicted in the following manner: “His Arab wife could not adjust to the Cape Town way of life, so he allowed her to go back to her family in Mecca” (Da Costa, 1997). It is no surprise that almost all of the landmark studies undertaken in the past on the community have actively omitted the subject of marital discord and dissolution (see February, 1995; Da Costa & Davids, 1994; Davids, 1995; 1980; 1979; 1978; Dangor, 1984).

This review will examine studies around the issues of marital discord and how it affects the both the individual as well as the family unit. It will look at how this issue was dealt with in literature on the Cape Muslim and it will further examine divorce as a phenomenon in Islamic literature. This section will end with a look at the general direction of research on marriage.

### **2.2 The study of marital discontent, conflict and dissolution**

The rate of divorce is a direct indicator of the state of marriages, and the state of marriages indicates how well these family-structures are holding against external pressures. This, in turn, would serve as an adequate gauge of the overall well-being of the community (Cox &

Paley, 1997; Fenelon, 1971; Fincham, 1998). It is conceded that this measure does not account for intact marriages that are characterised by chronic conflict and strife.

Marital disputes and divorce have profound implications for individual well-being (Coyne & Downey 1991; O'Leary & Smith 1991). The link that marital conflict has with depression is increasingly well-established (Beach, Fincham & Katz, 1993). Similarly, associations have been noted for physical and psychological abuse of partners (O'Leary, Malone & Tyree, 1994), male alcoholism (O'Farrell, Choquette, & Birchler, 1991), and early onset drinking, episodic drinking, binge drinking, and out-of-home drinking (Murphy & O'Farrell, 1994). Marital conflict appears less consequential for anxiety disorders (Emmelkamp & Gerlsma, 1994), which may reflect a complex association varying according to spouse gender and type of anxiety disorder (McLeod, 1994).

### **2.2.1 Physical health**

Although married individuals are healthier on average than the unmarried (House, Landis & Umberson, 1988), marital conflict is associated with poorer health (Burman & Margolin, 1992; Kiecolt-Glaser et al., 1988) and with specific illnesses such as cancer, cardiac disease, and chronic pain (Schmaling & Sher, 1997). Marital interaction studies suggest possible mechanisms that may account for these links by showing that hostile behaviours during conflict relate to alterations in immunological functioning (Kiecolt-Glaser et al., 1993; Kiecolt-Glaser et al., 1997), endocrine functioning (Kiecolt-Glaser et al., 1997; Malarkey, Kiecolt-Glaser, Pearl & Glaser, 1994), and cardiovascular functioning (Ewart, Taylor, Kraemer & Agras, 1991). Although consequential for both husbands and wives, marital conflict has more pronounced health consequences for wives (Gottman & Levenson, 1992; Kiecolt-Glaser et al., 1993; 1997; Malarkey et al., 1994). Thus, marital conflict has been

linked to several facets of health and remains a vital area of research.

Research also shows that separation and divorce have strong negative consequences for the mental and physical health of both spouses. These negative effects include increased risk for psychopathology; increased rates of automobile accidents including fatalities; and increased incidence of physical illness, suicide, violence, homicide, significant immuno-suppression, and mortality from diseases (Bloom, Asher & White, 1978; Burman & Margolin, 1992). Marital distress, conflict, and disruption are also associated with a wide range of negative effects on children, including depression, withdrawal, poor social competence, health problems, poor academic performance, and a variety of conduct-related difficulties (Cowan & Cowan 1987, 1990; Cowan, Cowan, Heming & Miller, 1991; Cummings & Davies, 1994; Easterbrooks, 1987; Easterbrooks & Emde, 1988; Emery, 1982, 1988; Emery & O'Leary, 1982; Forehand, Brody, Long, Slotkin & Fauber, 1986; Gottman & Katz 1989; Hetherington 1988; Hetherington & Clingempeel 1992; Hetherington, Cox & Cox, 1978; Howes & Markman 1989; Katz & Gottman 1991a; 1991b; Peterson & Zill 1986; Porter & O'Leary 1980; Rutter 1971; Shaw & Emery 1987; Whitehead 1979). There is evidence from two international probability samples that adults who experienced a divorce as a child are under considerably more stress than those who did not (Glenn & Kramer 1985; Kulka & Weingarten 1979). These adults report less satisfaction with family and friends, greater anxiety, that bad things happen more frequently to them, and that they find it more difficult to cope with life's stresses in general. In a recent report based on the Terman longitudinal study of gifted children, survival curves show that the combination of one's parents having divorced and one's own divorce reduced longevity by an average of approximately eight years (Friedman, Tucker, Schwartz & Tomilson, 1995).

### **2.2.2 Family health**

Marital conflict is also associated with important family outcomes, including poorer parenting (Erel & Burman, 1995), poorer child adjustment (Grych & Fincham, 1990), problematic attachment to parents (Owen & Cox, 1997), increased likelihood of parent-child conflict (Margolin, Christensen & John, 1996), and conflict between siblings (Brody, Stoneman & McCoy, 1994). When manipulated experimentally, it increases subsequent parent-son conflict (Jouriles & Farris, 1992). Aspects of marital conflict that have a particularly negative influence on children include more frequent, intense, physical, unresolved, child-related conflicts and conflicts attributed to the child's behaviour (Cummings & Davies, 1994, Fincham & Osborne, 1993). Increasing attention is being given to mechanisms linking marital conflict and child outcomes, the impact of children on the marriage, and viewing the impact of marital conflict within a broader systemic perspective (Cherlin, 1977; Cox & Paley, 1997; Fenelon, 1971; Fincham, 1998).

### **2.2.3 Marriage duration**

The divorce rates peaked at duration three and four years, declining slowly thereafter (Schoen, 1975). Forty percent of all divorces and annulments in the United States of America occur within the first five years (Luiza, Chan & Heaton, 1989), and Mott and Moore (1979) concluded that the probability of dissolution declines as the marriage enters its fifth and sixth year. The presence of children dictates a longer marital duration (Rankin & Maneker, 1985). Divorce and separation are moderately lower for those who have children than for the childless (Cherlin, 1977). Divorce applicants remain predominantly female (Bloom & Clement, 1984).

There are many obstacles to the longevity of marriages. The disparity of information prior and

immediately after the wedding by one or both spouses tends to end many marriages quickly (Becker, 1981). Financial and situational difficulties and disadvantages, especially in early marriages may not be overcome during the course of married life (Heaton, Albrecht & Martin, 1985). The reasons given are that young people have more potential mates and fewer financial assets as constraints to divorce (Bahr, Chappell & Leigh, 1983). Premarital pregnancies are also a contributor to marital dissolution (Bolten & Kane, 1980; Coombs & Zumeta, 1970). It was found that more than half of premaritally pregnant respondents divorce within four years (Furstenberg, 1979). Premaritally pregnant women are generally younger, lack economic resources and preparation for marriage, and have a short period of courtship (Furstenberg, 1979).

The environment the couple finds itself in also plays a role in determining the health of their union. A high density and an influx of newcomers weaken the neighbourhood social network and lead to low social integration (Weed, 1975; Glenn & Shelton, 1985). This leads to high levels of self-sufficiency and individualism that do not foster a commitment to marriage in the community (Fenelon, 1971).

‘Frontier atmosphere’ and ‘social integration’ hypotheses are used to explain the seemingly high incidence of cross-cultural unions in newly developing areas (Luiza, Chan & Heaton, 1989). Sharing common values has been positively associated with marital satisfaction (Berman, 1968; Glenn & Supanic, 1984). The spouses’ own respective families are also a major source of conflict. This is due to the conflict that is associated with childbirth in inter-cultural couples (A.M. Saban, personal communication, October, 1999; Cherlin, 1981). There is a general negative view about mixed ethnic marriages in Muslim communities (Beishon, Modood & Virdee, 1998). This sentiment is not culturally specific as Berman (1968) contends

that ninety percent of Jewish intermarriages are unsuccessful and undermined the stability of the home in the USA.

## **2.3 The Cape Malay community**

The Muslim community of the Western Cape has a colourful and rich history with a distinct cultural flavour (February, 1995; Da Costa, 1979, 1997; Da Costa & Davids, 1994; Dangor, 1984; Davids, 1978, 1979, 1980, 1995; Le Roux, 1978). Social difficulties that stem from its slave and indentured working past are well documented (Dangor, 1984; Da Costa & Davids, 1994; Davids, 1978), as well as the pressures that authorities in the Cape placed on Islam and Muslims (Da Costa, 1997; Dangor, 1984; Davids, 1978, 1979, 1980, 1995; February, 1995; Haron, 1999; Jeppie, 1987). The community developed and forged their own cultural identity in an evolving South Africa (Cherlin, 1981; February, 1995; Haron, 1999; Jeppie, 1987; Taliep, 1982). In such a dynamic social environment, internal political dynamics are bountiful (Davids, 1995; Le Roux, 1978; Statistics South Africa, 1996, 2000; Tayob, 1998).

However, none of the above publications deals with the subject of divorce in the Cape Muslim community. As was mentioned in the introduction to this paper, divorce has always been ignored, together with all other stigmatic phenomena in the community.

## **2.4 Islamic divorce**

Research works on Islamic divorce have traditionally centred around two areas.

### **2.4.1 As a social event embedded in prescriptive Islamic literature**

The most abundant literature domain is the one pertaining to the judicial mechanisms

surrounding the phenomenon. This is indicative of the prescriptive nature of Islam. The Islamic faith prescribes rules and regulations that control all aspects of the daily lives of its adherents (Fakier, 1995). An extensive list of prescriptive literature exists on divorce, from the steps to be taken with the appearance of the initial marital discord (Khan, 1999), routes to possible reconciliation (Abdullah, 1998), the actual divorce process (Ali, 1983; Salie, 1993; Toefy, 1999) and the consequences of divorce (Ahmed, 1987; Salie, 1993). All of the above works, with the exception of the unpublished thesis of S. Abdullah (1998) deal with all these areas collectively.

#### *2.4.1.1 Areas of divorce covered by Islamic literature*

The main concentration of works deals with the juristic angle to Islamic divorce (Ahmed, 1978; Salie, 1993). Another angle looks at the social reasons for divorce and offers some preventative measures (Ahmed, 1978). A third angle that Islamic literature takes is the counselling aspect of divorce (Abdullah, 1998). It adopts a purely descriptive approach to Islamic counselling and highlights its shortcomings in comparison to standard “western” approaches to marital counselling.

The obvious gap in Islamic divorce literature lies in the lack of quantitative understanding of the extent of the problem of divorce in a Muslim community. It tackles the phenomenon of divorce mainly from a reactive angle, in that it only deals with the consequences of the phenomenon rather than looking at preventative measures. It answers the questions of how and when but not of who and why. None of the literature surveyed looks at the demographical trends that exist in the Muslim population seeking divorce in the Western Cape, or any other area.

To compensate for this lack of information in Islamic literature, the only source of

information is the archival records of Divorce Courts at main Islamic Institutions. The only two institutions with adequate filing systems are the Muslim Judicial Council and the National Ulama Council.

#### **2.4.2 As a legal event embedded within the South African civil law**

As a sub-community, the Muslims are dependent on the law of the land (Cachalia, 1991; Moosa, 1997; Visser & Potgieter, 1998); therefore, it is important to ascertain how the South African civil law impacts on the Islamic divorce, for instance, in the areas of custody and maintenance (Bulbulia, 1983; Cassimjie, 1993; Moosa, 1988). Case law, however, gives the more accurate description of how the law is being interpreted in the Courts. Cases such as *Ismail v Ismail* (1983), *Rylands v Edros* (1997) and *Amod v Multilateral Motor Vehicle Accident Fund* (1997) are clear social indicators that the courts have not yet recognised Islamic marriages as legal unions in South Africa (Moosa, 1997).

### **2.5 Research on marriage**

Comprehensive work has been done in this field since the 1960s, both in the fields of sociology and psychology. Most of the work was done around interpersonal and relationship dynamics and how social scientists make sense of the emotional turmoil in a distressed marriage. It primarily looks at three distinct areas of divorce; the decision-making process prior to initiating divorce, the actual divorce process itself and the coping mechanism and the impact on the divorce family unit. The main thrust of scholarship has always been to provide mediation workers working with couples, better understanding of the phenomenon and ultimately better methods to assist them. The investigation of conflictual interaction has a privileged status in this research, as it has been widely accepted that distress results from couples' aversive and ineffectual response to conflict (Koerner & Jacobson, 1994).



Research on marriage by researchers has been, to date, remarkably productive in identifying trends and patterns that characterise distressed marriages (Katz & Gottman, 1991). Some of these patterns identified are (Gottman, 1994):

1. Greater negative affect reciprocity in unhappy couples, which may be related to the failure of repair. This relates to the negative thoughts spouses in a distressed relationship have of one another. These negative thoughts prevail over all interactions between the spouses.
2. Less positive sentiment override in unhappy couples. This refers to the pattern where distressed couples are less likely to give the other spouse the benefit of the doubt concerning interpretive interactions.
3. The presence of criticism, defensiveness, contempt, and stonewalling in couples headed for divorce.
4. Greater evidence of the wife-demand-husband-withdraw pattern in unhappy couples (though it is probably also there to some extent in happily married couples).
5. Negative and lasting attributions about the partner and more negative narratives about the marriage and partner in unhappy couples.
6. Greater physiological arousal in unhappy couples.

Thurnher, Fenn, Melichar, and Chiriboga (1983) demonstrated that reasons for divorce in men and women were related to gender, age, education, income, and number of children. Kitson and Sussman (1982) took divorce causes derived from subject responses to the Cleveland Marital Complaint Code and tested them for association with certain demographic

characteristics. They found that marital complaints differed by social class, length of marriage, education, and income. These patterns are useful when designing interpersonal programmes to assist couples.

Emphases have been placed on premarital programmes that include individual counselling and proactive intervention prior to or early in the marriage (Gottman & Krokoff, 1989; Markman, Stanley & Blumberg, 1994) as some marriages appear to succeed for several years before dissolution occurs (Rankin & Maneker, 1985). Community-based programmes based on community networks are also successful in especially smaller communities (Markman et al., 1994).

## **SECTION THREE: METHODOLOGY**

### **3.1 Introduction**

This study was designed to be an exploratory investigation into the demographic patterns of a sample of divorced couples in a minority group in Cape Town, South Africa. As with most exploratory studies, there were no clear-cut expectations of any psychological or sociological trends within this group, so no control group was considered. In addition, as these trends were investigated, no cause-effect relationships are either assumed or explored.

As stated in the background to this study, it is important to investigate and describe any patterns that may emerge from this group before etiological factors can be delineated. The writer suggests that this study may serve as the basis for future research in this area.

### **3.2 Methodological issues**

#### **3.2.1 Archival records**

The sample for the current study was obtained from the divorce records of the Social Welfare Departments of the Muslim Judicial Council and the National Ulama Council. The reason for using these two sources is that the MJC has the most comprehensive and systematic filing system on divorce statistics dating back more than three decades in the Western Cape. The NUC's office has been operating consistently as a divorce agency from 1996 under the guidance of Sheikh Abdul Kariem Toffar and from 1999, Sheikh Abdur Raheem Abduraof.

The individual records comprise the initial intake form containing the date of application and the demographic information of the complainant and the respondent. This includes name, contact details such as address, work, and home telephone numbers and the names and

address of his or her parents. Type of employment, the number and ages of children born from the marital union, the date of marriage and the name of the marriage officer and the name of the referring agency (if any) are also included.

The second section contains a summary of the initial complaints, all subsequent consultations, and the conclusions by the presiding counsellor. The last section of the form contains the judgements by the Shari'ah Divorce Court. This is signed by the presiding judge and witnessed by a second judge who acts as a witness to the proceedings. Although the couple or the applicant, if the respondent abstained from the proceedings, is present at the hearing, the judges primarily examine the summaries of the counselling consultations contained in the records to determine their finding. The couple or the applicant is there only to answer any queries the judges might still have. Any custody agreements and all other relevant documentation such as court interdicts, restraining orders, division of property, are worked out and confirmed at this sitting, photocopied and attached to the folder.

#### *3.2.1.1 Problems using archival records as a source of data*

The problem using this source of data is that the recorded complaints are subjective interpretations of the residing counsellor and the subsequent confirmation of the judges in the final decree. The counsellor records the reasons for the divorce application on the document during or after the consultation. There is, therefore, no direct confirmation of the facts by either the applicant or the respondent, although the absence of any objections to the recorded complaints from either of the spouses does provide tacit confirmation of their validity.

Problems arise when the applicant's list, in the absence of the respondent at the first session, is contested at a subsequent joint session. The counsellor then revises this list of complaints to which both spouses must agree to. At the final judgement hearing, the judges normally list the

grounds for granting the divorce in the last section of the divorce record. Considering this phenomenon, the researcher has taken the judges' list as the final word in the matter, even if it contradicted the initial list of the applicant.

There is also the matter of biased reporting by the applicant, in the absence of the respondent in order to obtain a speedy divorce. It is well-known in the community that complaints of religious infringements by the opposing partner would get a much more sympathetic ear at the counselling session and a much faster track to a divorce than a complaint of the absence of love between the feuding partners.<sup>18</sup>

Although these problems are formidable and could have a negative impact on the validity of the data, it must be stressed that this is an initial description aimed at studying broad trends in available data. Regarding the biases in the data, it is helpful that there are five counsellors at the MJC and three at the NUC and individual differences between them could cancel themselves out in the end.

### **3.3 Subjects**

The method used was a stratified sampling technique according to year, where every seventh record was drawn from each month from 1994 to 1999 until the required sum of 100 per annum was reached. The initial plan was to split the yearly sample between the two organisations (60 cases from the MJC and 40 cases from the NUC). This split was based on the perceived workload of each divorce agency. At the MJC, the sampling-method was adequate because the number of divorces from 1994 to 1999 was on average 577 per annum. Drawing 60 cases per year from this database was easy. However, at the archives of the NUC,

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<sup>18</sup> For a more detailed discussion, see Section 5.2.4

the sampling-method had to be revised because of the following problems:

1. There were no divorce records for 1994 and 1995. According to the current administrative assistant at the NUC, the concept of a social welfare department was conceptualised at the inception of the organisation in 1994, but it was only administratively realised at the end of 1995. Before this point, marital counselling occurred on an ad hoc basis at the homes of the different shuyookh that belonged to the organisation. There was also a move of premises early in 1996 and whatever records existed at the offices, were not in the present archives.
2. The number of divorces granted by the NUC was fewer than initially anticipated. According to the archives, there were less than 100 cases of divorce per year. This fact made the allocated 60-40 split between the MJC and the NUC unrepresentative and illogical. The split was then revised to an 80-20 split starting from 1996 to 1999.

### **3.4 Scales**

This study used the first and second complaints mentioned in the records for its “First-stated complaint” and “Second-stated complaint” codes.

#### **3.4.1 The Cleveland Marital Complaint Code**

This code was used by Kitson and Sussman (1982) to replace simple, unitary concepts of causality with those that emphasised the interrelationships among causal factors. Cleek and Pearson (1991) used the code to examine the demographic differences in divorce causes. This study started out with a scale that had 19 items. These items were reduced and amended to fit the categories of complaints voiced by the study’s population. Item reduction was motivated by the rate of incidence. If an item was not mentioned in the study, it was dropped from the amended scale. A discussion on the changed items follows below.

### 3.4.1.1 Amending the scale

The original measure below shares eleven items that are common with the amended measure following this table. Eight items of original measure were either changed or omitted:

**Table 1: Original items on the Cleveland Marital Complaint Code**

Original Measure	
NO.	COMPLAINT
1.	Communication Problems
2.	Basic Unhappiness
3.	Incompatibility
4.	Financial Problems
5.	Alcohol Abuse – Spouse
6.	Sexual Problems
7.	Infidelity-Spouse
8.	Physical Abuse-Victim
9.	In-laws
10.	Infidelity-Self
11.	Drug Abuse-Spouse
12.	Religious Differences
13.	Children
14.	Emotional Abuse
15.	Mental Illness – Spouse
16.	Alcohol Abuse – Self
17.	Mental Illness – Self
18.	Physical Abuse-Abuser
19.	Drug Abuse-Self

**Table 2: Amended items on the Cleveland Marital Complaint Code**

Amended Measure	
NO	COMPLAINT
1.	Communication Problems
2.	Basic Unhappiness
3.	Incompatibility
4.	Financial Problems
5.	Alcohol Abuse – Spouse
6.	Sexual Difficulties
7.	Infidelity-Spouse
8.	Physical Abuse-Victim
9.	In-laws
10.	Infidelity-Self
11.	Drug Abuse-Spouse
12.	Religiosity
13.	Other Spouse
14.	Financial Support Problems
15.	Abandonment
16.	Apostasy
17.	Incarceration

### **3.4.1.1.1 Discussion on the deleted, changed and added items**

#### **3.4.1.1.1.1 Deleted items**

**Emotional Abuse:** The item ‘Emotional Abuse’ was cited as a reason for seeking divorce in a few cases but all of these cases were accompanied by severe physical abuse and therefore was incorporated into the latter.

The items ‘**Children**’, ‘**Mental Illness (Spouse and Self)**’, ‘**Alcohol Abuse-Self**’, ‘**Drug Abuse-Self**’, and ‘**Physical Abuse-Self**’ were omitted because none were mentioned in the sample. Self-incriminating reasons for seeking divorce were rare, therefore the absence of self-reporting and incriminating reasons are evident. The item ‘**Infidelity-Self**’ was included in the revised inventory because in many cases, this fact became known in the joint sittings of the spouses.

#### **3.4.1.1.1.2 Changed items**

**Religiosity:** ‘Religious Differences’ was changed to ‘Religiosity’ because it deals with the level of religious practice rather than the strength of the opposing spouse’s ideological belief system. Islam mandates its followers to carry out many worshipping practices, for example, praying five designated times a day, fasting during the month of Ramadan and giving alms to the poor.<sup>19</sup> These acts are compulsory for every Muslim adult and accusing the other spouse of being neglectful of them is a serious charge and one that is guaranteed to set the accused in a bad light in the eyes of the counselling officer. Being a ‘disobedient wife’ would fall under this category.

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<sup>19</sup> This amounts to a fortieth of ones disposable income per annum.



### 3.4.1.1.1.3 *Added items*

**Abandonment:** This item is another clear-cut reason for the spouse to seek divorce. This is the abandonment of one spouse by the other for more than one month without the permission of the latter.

**Apostasy:** This item is used when one of the spouses renounces Islam for another religion. This is the quickest way to obtain a divorce because according to Islamic law, marriage with an apostate is forbidden and the marriage is automatically annulled (Fakier, 1995).

**Basic Unhappiness:** This category was chosen when the absence of love or affection was used as a reason for seeking a divorce.

**Communication Problems:** Complaints were codified under this category when they explicitly revolved around verbal communication breakdown patterns.

**Financial Support Problems:** The difference between 'Financial Difficulties' and 'Financial Support Problems' is that the former revolves around problems of debt, fraud, theft, etc. while the latter deals exclusively with non-support of the wife and the children, which is a certifiable reason for divorce. Men justify their dominant roles within a family-structure as mandated by tradition and the majority of religious interpretations. Religion is seen to endorse a patriarchal family-structure<sup>20</sup> and the citing of 'Financial Support Problems' by the wife, therefore, constitutes a clear-cut religious justification for seeking a divorce. Under Islamic law, it is obligatory for the husband to support and maintain his wife and children even if the

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<sup>20</sup> See al-Qur'an, 4:34: "Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend from their means." Many modern commentators such as Fatima Mernissi, Amina Wadud-Muhsin, Fathi Osman, Lamya' Al Faruqi, Laila Ahmed and Muhammad Ibn Sa'ad, feel that that this verse does not grant an absolute patriarchal authority, but rather that it stated the situation of the day and the time; that in the 7<sup>th</sup> Century Arabian Peninsula, men had the social authority, power and mobility to be economically active, so it was only logical that the caretaker-role be assumed by the husband. This view is vehemently opposed by the majority of the religious

wife is financially self-sustaining. She is not obliged to contribute to the running expenses of the household. The level of financial support is set under the rule that stipulates that the wife must be given the same style of life and comfort she was used to before marriage. It is the wife's prerogative to agree to a lesser degree of support if the prospective husband is financially unable to provide the same level of lifestyle. If he forfeits this duty without the consent of the wife and without making prior repayment arrangements with her, the wife is within her right to seek a divorce (Salie, 1993).

**Other Spouse:** This item deals exclusively with polygamy-related problems.

### 3.4.2 The 'Employment' category

This category has been divided into five sub-categories: Unemployed,<sup>21</sup> Unskilled, Semi-skilled, Skilled and Professional. This was done by using the amount of educational preparation required for the occupation and financial independence and power offered by it. For example, a cleaner would score 1 (Unskilled), a machinist 2 (Semi-skilled), an artisan 3 (Skilled) and a doctor 4 (Professional).

### 3.4.3 The 'Pregnancy' factor

This phenomenon is explicitly found in the records of the divorced couples. It is constructed from the following items: The difference between the date of marriage and the date of first application for a divorce against the age of the eldest child. If the age of the child is equal to the duration of marriage, then the case is tentatively placed in the 'pregnancy marriage'

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community that holds Qur'anic injunctions as sacred and applicable to all societies and eras. For further reading, see [http://www.mwlusa.org/pub\\_book\\_polirights.html](http://www.mwlusa.org/pub_book_polirights.html)

<sup>21</sup> The intake officers surveyed by this study used the term 'Housewife' as a work-category for the female, very erratically. The explanation offered was that by responding negatively to the question, 'Do you work?', the intake officer would fill in the 'unemployed'-category. The writer decided after careful deliberation to convert the few instances of 'housewife' to 'unemployed' in light of the criteria used to create the employment categories, that is, economic power and self-sufficiency. Future studies must be designed to distinguish between the two categories

category. The record is then examined further for any mention of a pregnancy. If evidence is found in the record of a marriage consummated due to a pregnancy, only then is the case classified as ‘pregnancy marriage’.

#### **3.4.4 The ‘Event vs Life style’ catalyst for a divorce application**

This item is interpreted from the records of the divorce couples. When the divorce is triggered from a single event, such as an extramarital affair or reversion to another religion, then the divorce is marked as an ‘event’-complaint. When the reasons given for divorce is of a chronic nature or the applicant states that these actions have occurred throughout the marriage, such as drug abuse, spousal abuse or a cheating spouse, the divorce is then marked as a ‘life-style’-complaint. The study hopes that this data could be used when interpreting the motivation of the applicant as well as how it affects the divorce counsellors and judges.

### **3.5 Statistical methods**

In order to obtain a more detailed picture of the sample, it was divided into two groups, ‘Applicant’ and ‘Respondent’ so that these two groups could be compared with one another.

Thereafter, a profile of the means and standard errors for these groups was compiled and compared with the marriage and divorce details, thus providing a picture of the trends that exist in the sample.

Significant trends were further investigated. Convert-marriages, pregnancy-marriages, and significant stated reasons for divorce were tested against the other statistical data to explain their significance within the sample. Given the big sample and many tests without hypotheses, this study uses  $p < 0.01$  two-tailed to control false positives.

The results of this study will be discussed in the following section.

## **SECTION FOUR: ANALYSIS**

### **4.1 Introduction**

A description of the various groups will be made by using the age, gender, area of residence, work-status, and convert-status items. Each individual item will be examined in the light of the relationship it has with other items in this section. A longitudinal trend across the six years of the study and a comparative trend between the two divorce agencies of the last four years, will also be examined.

Cross tabulations will be made between the two populations on all the relevant data, such as age, gender, convert-status, residential area, and work category.

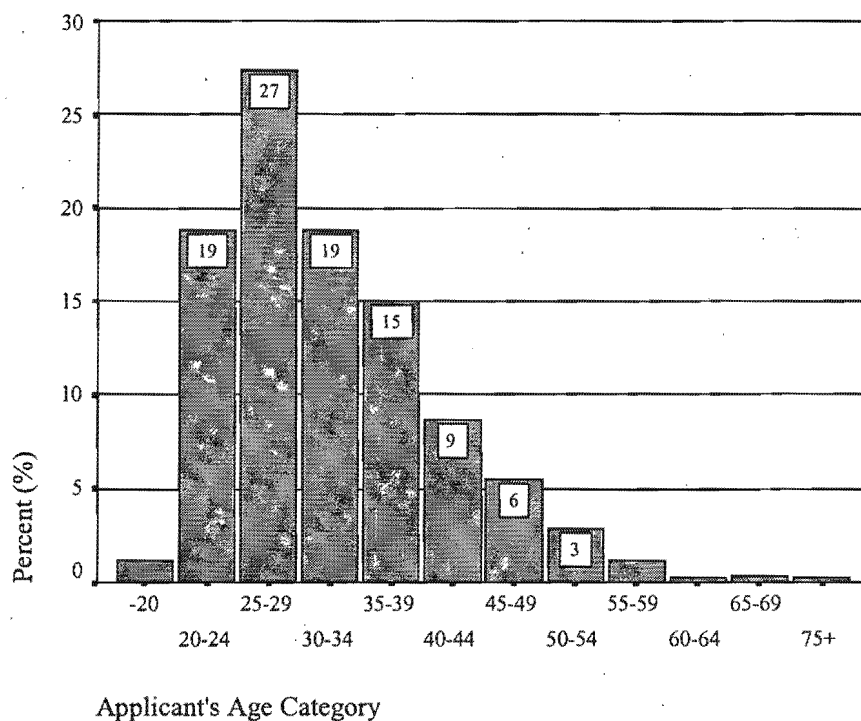
A description of the marriages in the study will be done by using the duration of marriage, marriage due to pregnancy, presence of a convert, presence of children and number of children. The relationships among these items will be examined further with relevant statistical tests. A longitudinal trend across the six years of the study and a comparative trend between the two divorce agencies will also be examined.

A description of the divorces in the study will be done by using the incidence and duration of a separation before the onset of the divorce, duration of divorce procedure, number of counselling sessions, presence of both spouses at the consultations, the official status of divorce, rate of divorce reversal, first-stated reason, second-stated reason and the catalyst for the divorce data. The relationships among these items will be examined further with relevant statistical tests. A longitudinal trend across the six years of the study and a comparative trend between the two divorce agencies will also be examined.

Any significant trends will be presented in this section and all data tables are located in Appendix Two. The implications of the results will be discussed in Section 5.

## 4.2 The divorce applicant<sup>22</sup>

### 4.2.1 Age

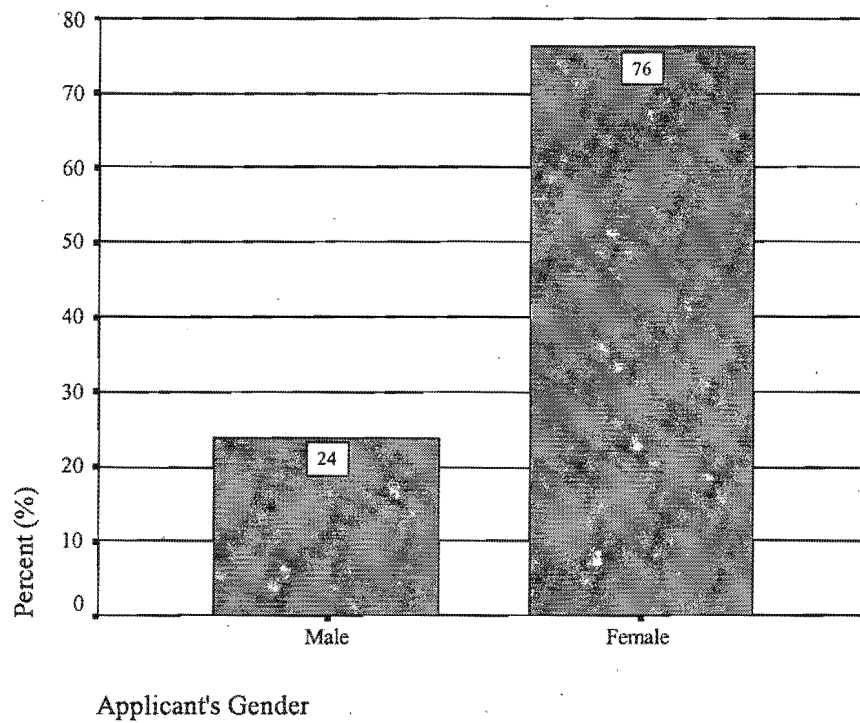


**Figure 1: Age categories of the applicant**

The average age of applicants is 32.12 years (Standard Deviation: 9.001) and ranges from a 16-year old to an 83-year old. It has a high positive skewness statistic (1.129) that means that the age distribution scale has a long right tail and therefore leans more to the younger age groups. A high positive kurtosis statistic (2.047) indicates that the ages of the applicants cluster more around ages that are outliers towards the lower age ranges of the distribution.

<sup>22</sup> See Appendix Two for all the data tables referred to in this section.

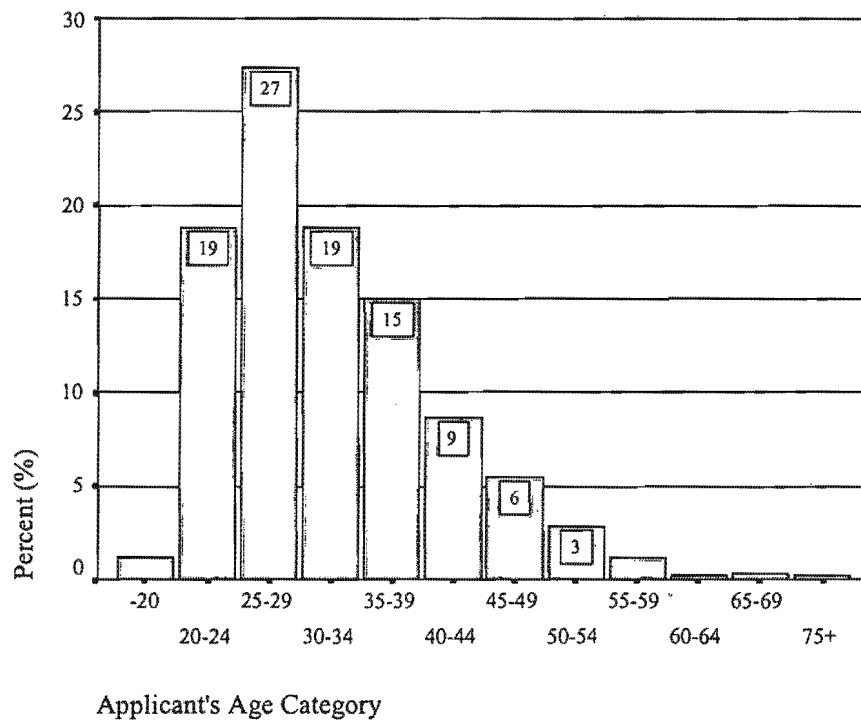
#### 4.2.2 Gender



**Figure 2: Gender status of the applicant**

The majority of the applicants are female (76.2%,  $N = 457$ ). This means that females outnumber males as divorce applicants by more than 3 to 1. This trend of predominantly female applicants is consistent with other international studies (Bloom & Clement, 1984).

### 4.2.3 *Convert status*

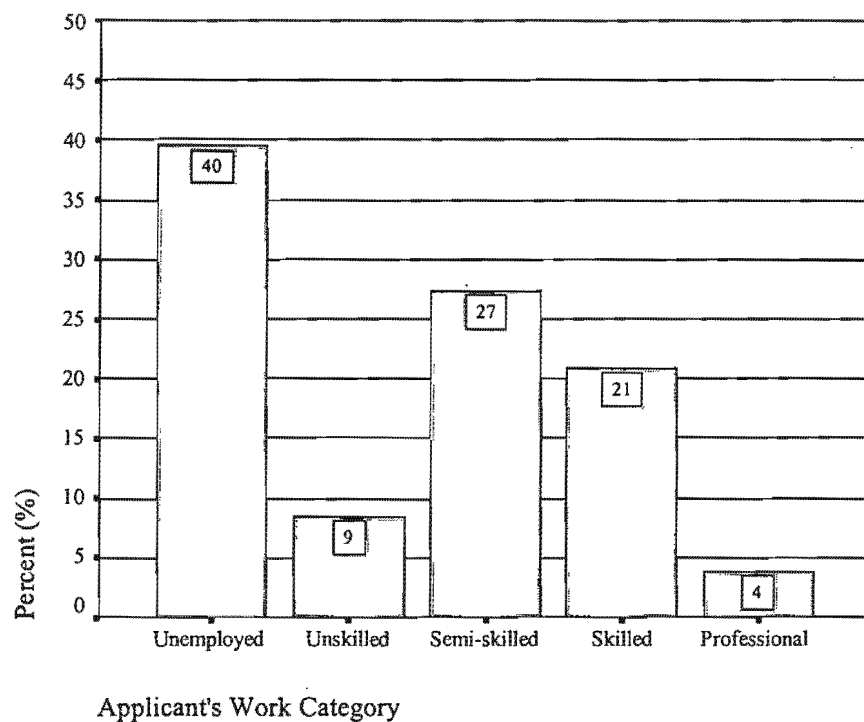


**Figure 3: Convert status of the applicant**

There is a low incidence of convert applicants in the study (22.3%,  $N = 134$ ). When we look at the overall incidence of 52.7 percent ( $N = 316$ ) of marital unions that includes a religious convert in Muslim marriages in this study, the low incidence of converts as applicants becomes significant ( $t = 14.436$ ,  $df = 598$ ,  $p < 0.01$ ).



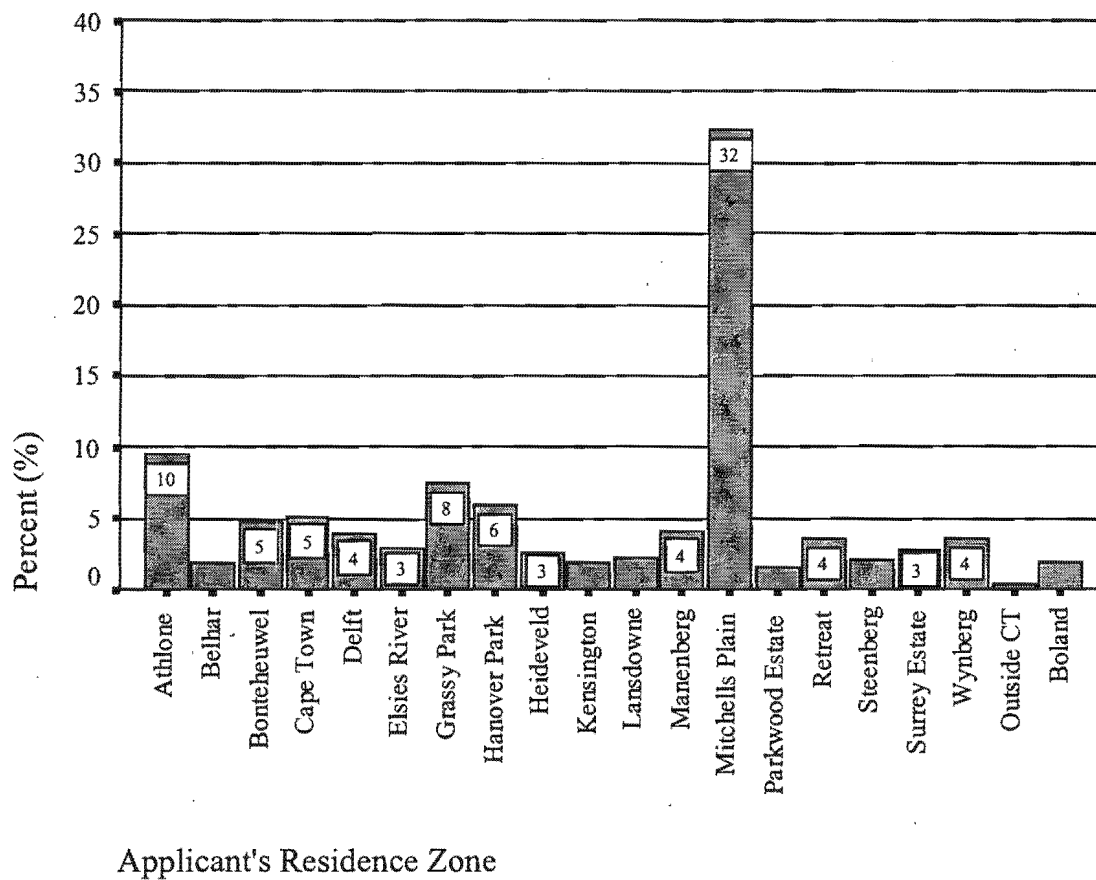
#### 4.2.4 Work status



**Figure 4: Work categories of the applicant**

Thirty-nine point five percent of the applicants for divorce are unemployed. The three bottom categories (Unemployed, Unskilled and Semi-skilled) constitute 75.3 percent of the applicant sub-population.

#### 4.2.5 Area of residence



**Figure 5: Residential areas of the applicant**

The divorce applicants are primarily concentrated in the Mitchell's Plain area (32.2%, N=194), followed by the Athlone area (9.5%, N=57) and the Hanover Park area (6%, N=36).

#### 4.2.6 *Inter-relationships between the various items*

##### 4.2.6.2 *The relationship between the ages and gender of the applicant*

Table 3: Comparison of the gender of the applicants and their ages

		Applicant's Gender		Total
		Male	Female	
Applicant's Age	-20	0	7	7
Category	20-24	26	87	113
	25-29	43	121	164
	30-34	27	86	113
	35-39	22	68	90
	40-44	10	42	52
	45-49	7	26	33
	50-54	6	11	17
	55-59	1	6	7
	60-64	0	1	1
	65-69	0	2	2
	75+	1	0	1
Total		143	457	600

The applicants' ages are concentrated mostly around the 25-29-age category (males = 30.1%, females = 26.5%).

##### 4.2.6.3 *The relationship between the ages and work-status of the applicant*

Table 4: Comparison between the applicant's ages and work categories

		Applicant's Work Category					Total
		Unemployed	Unskilled	Semi-skilled	Skilled	Professional	
Applicant's Age	-20	7 (3.0%)					7 (1.2%)
Category	20-24	50 (21.1%)	10 (19.6%)	34 (20.7%)	19 (15.2%)		113 (18.8%)
	25-29	61 (25.7%)	6 (11.8%)	49 (29.9%)	43 (34.4%)	5 (21.7%)	164 (27.3%)
	30-34	35 (14.8%)	9 (17.6%)	35 (21.3%)	24 (19.2%)	10 (43.5%)	113 (18.8%)
	35-39	31 (13.1%)	11 (21.6%)	20 (12.2%)	25 (20.0%)	3 (13.0%)	90 (15.0%)
	40-44	23 (9.7%)	5 (9.8%)	12 (7.3%)	10 (8.0%)	2 (8.7%)	52 (8.7%)
	45-49	22 (9.3%)	3 (5.9%)	4 (2.4%)	3 (2.4%)	1 (4.3%)	33 (5.5%)
	50-54	5 (2.1%)	2 (3.9%)	7 (4.3%)	1 (.8%)	2 (8.7%)	17 (2.8%)
	55-59	2 (.8%)	2 (3.9%)	3 (1.8%)			7 (1.2%)
	60-64		1 (2.0%)				1 (.2%)
	65-69		2 (3.9%)				2 (.3%)
	75+	1 (.4%)					1 (.2%)
Total		237	51	164	125	23	600

Three of the applicants' work categories are concentrated in the 25-29-age category

(unemployed = 25.7%, semi-skilled = 29.9%, skilled = 34.4%). The unskilled work category peaks in the 35-39-age category (21.6%) and the professional work category in the 30-34-age category (43.5%). A Chi-square analysis test revealed a significant difference between the age of an applicant and his or her work status ( $\chi^2 = 250.834$ ,  $df = 188$ ,  $p = 0.001$ ).

#### 4.2.6.4 *The relationship between the convert and gender status of the applicant*

The difference between the applicant's gender and their convert status is significant.

Table 5: Comparison of the applicant's convert status and gender status

		Applicant's Convert Status				Total	
		Yes		No		N	% of sample
		N	% of sample	N	% of sample		
Applicant's Gender	Male	20 (14.0%)	14.9%	123 (86.0%)	26.4%	143	23.8%
	Female	114 (24.9%)	85.1%	343 (75.1%)	73.6%	457	76.2%
Total		134 (22.3%)	100.0%	466 (77.7%)	100.0%	600	100.0%

The mean difference between the two genders in relation to whether they are converts or not, is significant when using a t-test ( $t = 3.090$ ,  $df = 291.661$ ,  $p = 0.002$ ). It is found that the incidence of male convert applicants is only 14.9 percent while the incidence of female convert applicants is a little higher at 24.9 percent. A test of variance also reveals statistical significance ( $\chi^2 = 7.542$ ,  $df = 1$ ,  $p = .006$ ).

#### 4.2.6.5 *The relationship between the genders and work-status of the applicant*

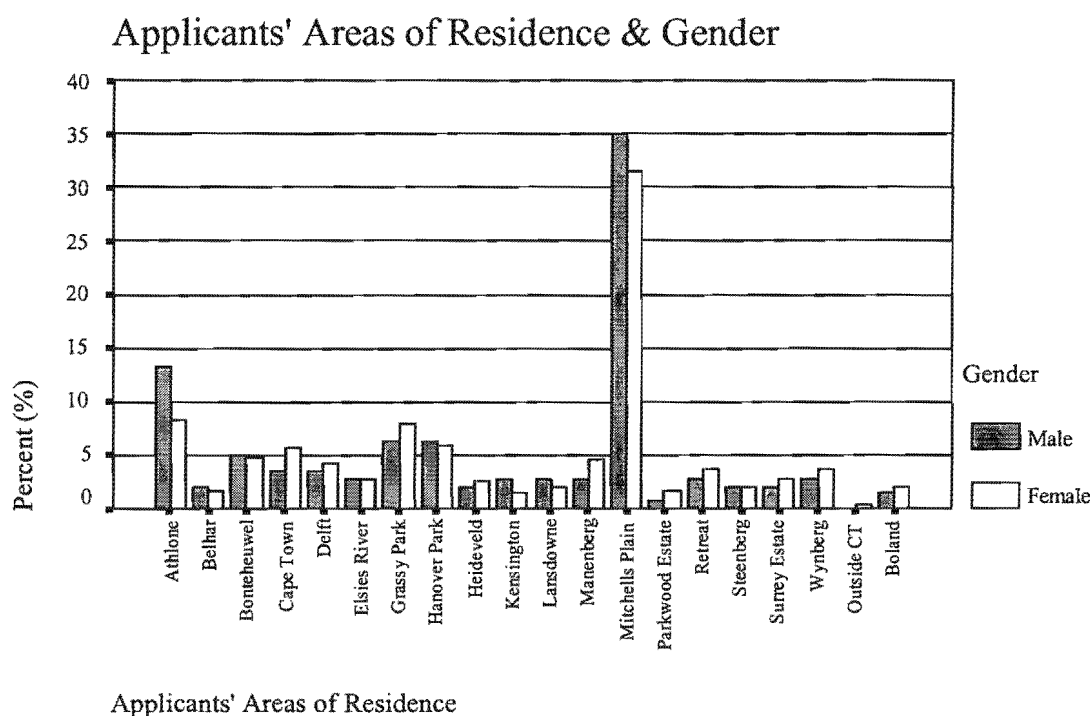
Table 6: Comparison of the applicant's gender status and work categories

		Applicant's Gender				Total	
		Male		Female		N	% within Sample
		N	% within Sample	N	% within Sample		
Applicant's Work Category	Unemployed	27 (11.4%)	18.9%	210 (88.6%)	46.0%	237	39.5%
	Unskilled	12 (23.5%)	8.4%	39 (76.5%)	8.5%	51	8.5%
	Semi-skilled	57 (34.8%)	39.9%	107 (65.2%)	23.4%	164	27.3%
	Skilled	40 (32.0%)	28.0%	85 (68.0%)	18.6%	125	20.8%
	Professional	7 (30.4%)	4.9%	16 (69.6%)	3.5%	23	3.8%
Total		143 (23.8%)	100.0%	457 (76.2%)	100.0%	600	100.0%

The male applicant population peaks in the 'semi-skilled' work category with 39.9 percent.

The second-most representative category is the 'skilled' category (28.0%), followed by 'unemployed' category (18.9%), the 'unskilled' category (8.4%) and the 'professional' category (4.9%). The female distribution among the work categories differs from that of the males: Forty-six percent of respondent females are unemployed, 23.4 percent fall in the 'semi-skilled' category, 18.6 percent in the 'skilled' category, 8.5 percent in the 'unskilled' category and 3.5 percent in the 'professional' category. The mean difference between the work categories of the applicants and their gender is significant ( $\chi^2 = 36.133$ ,  $df = 4$ ,  $p < 0.01$ ).

#### 4.2.6.6 *The relationship between genders and areas of residence of the applicant*



**Figure 6: Comparison of the applicant's gender and residential areas**

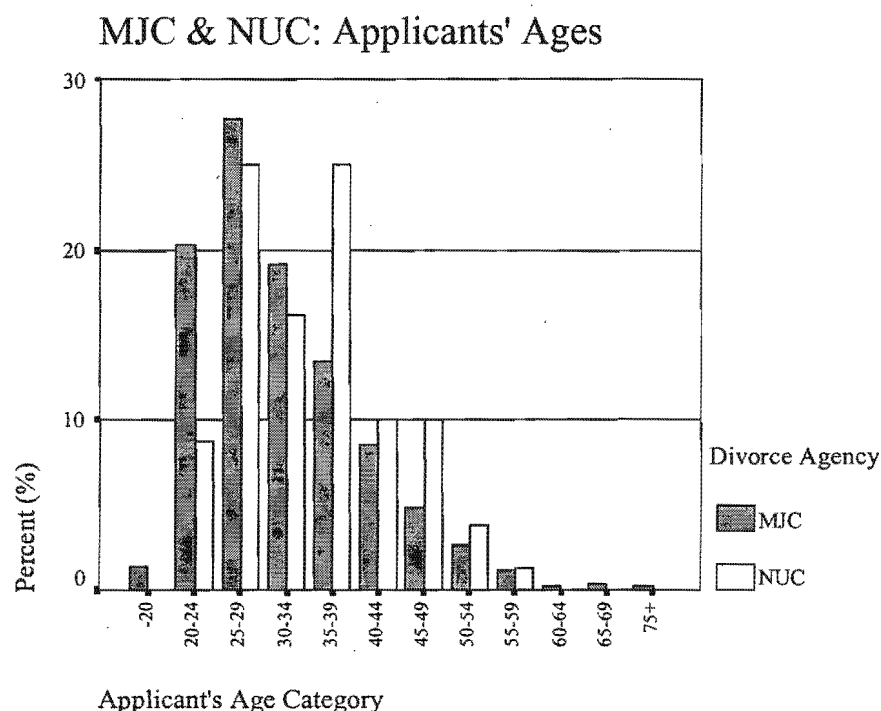
The most representative area of residence in the applicant population, Mitchell's Plain (32.3%), has a gender ratio of 25.8 percent male to 74.2 percent female. The male representation peaks in Athlone (33.3%), Lansdowne (30.8%) and Kensington (36.4%) against their counterparts. This statistic could be ascribed to the fact that Muslim communities

in these three areas are historically well established, so the support-structures that males use, such as the local Imam, exist there. When the males applicants are cross-tabulated with the type of divorce referral and mediation agencies they employ before coming to the MJC or the NUC, they predominantly do not use these referral agencies (83.2% of males and 86.7% of females). When they do, 12.6 percent of male applicants use their local Imam compared to 5.9 percent of the female applicants.

#### 4.2.7 Comparisons between the MJC and the NUC

According to the test of variance on all the applicants' data by the two divorce agencies ( $p = 0.01$ ), only two significant trends emerged: Applicant age ( $F = 7.079$ ,  $df = 1$ ,  $p = 0.008$ ) and applicant's gender ( $F = 8.134$ ,  $df = 1$ ,  $p = 0.004$ ).

##### 4.2.7.1 The MJC and the NUC and the age categories of the applicant



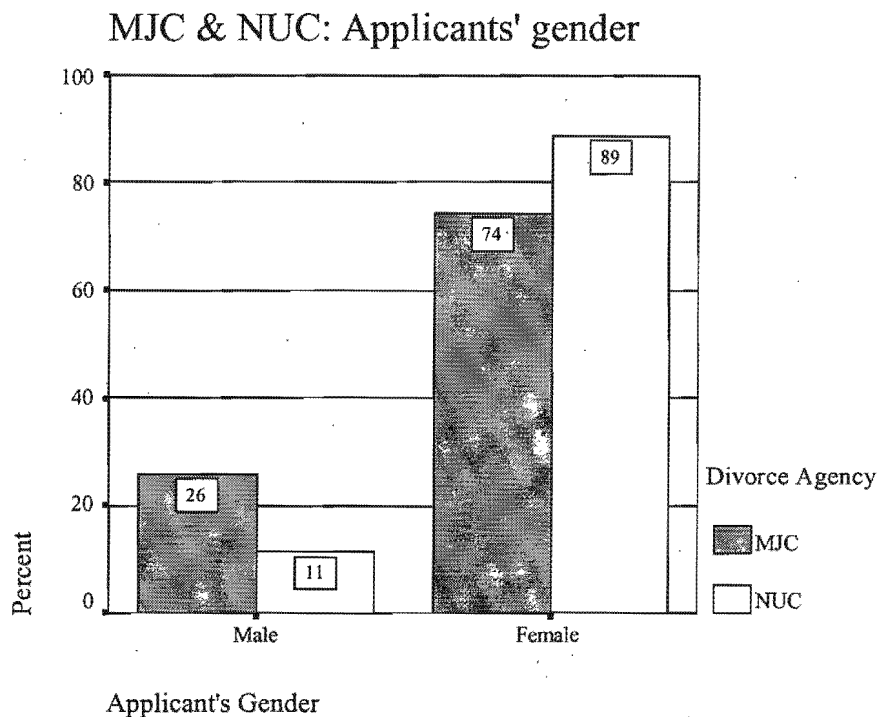
**Figure 7: The MJC and the NUC applicant's age categories**

The average age of divorce applicants at the MJC is 31.74 years (Standard Deviation: 9.035) and ranges from a 16-year old to an 83-year old applicant. It has a high positive skewness statistic (1.249) that means that the distribution of the ages has a significant skewness with a long right tail that leans more to the younger age groups. It also has confirmed a high positive kurtosis statistic (2.548) that indicates that the ages of the applicants cluster more around ages that are outliers towards the lower age ranges of the distribution.

At the NUC, the average age of divorce applicants is 34.60 years (Standard Deviation: 8.497) and ranges from a 20-year old to a 55-year old applicant. It has a relatively low skewness statistic (0.454) that means that the distribution of the ages has a normal curve with a slight tail to the right.

The mean age difference of 2.86 years between an NUC applicant and an MJC applicant, where the former is older, is found to be significant ( $T = -2.661$ ,  $df = 598$ ,  $p = 0.008$ ).

#### 4.2.7.2 *The MJC and the NUC and the gender status of the applicant*



**Figure 8: The MJC and the NUC applicant's gender**

The gender difference between an NUC applicant and an MJC applicant is significant ( $T = -3.594$ ,  $df = 130.111$ ,  $p < 0.01$ ). Females make up the biggest group with a representation of 74.2 percent at the MJC and 88.7 percent at the NUC. There is a large difference of 14.5 percent between the ratios of male representation at the two agencies, that is, 25.8 percent at the MJC against 11.3 percent at the NUC.



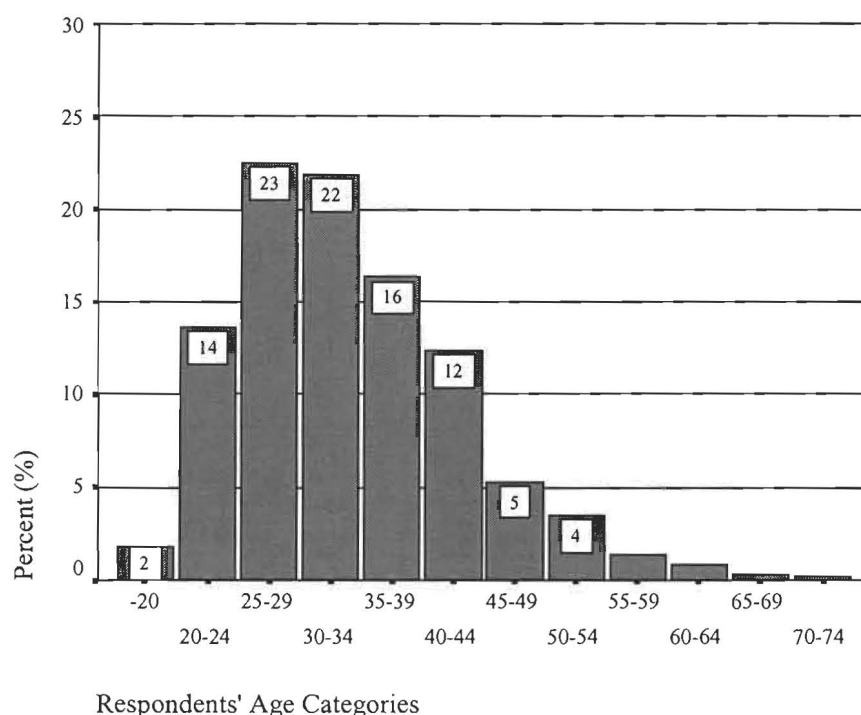
### **4.3 The divorce respondent<sup>23</sup>**

The following structure will be followed: First, the age, convert status and work category status data will be examined for frequency distribution characteristics such as the mean, range and type of distribution. The gender and area items that were examined in the previous section have been omitted. The gender status, because there are no same-sex couples in the study, and the area of residence, because the assumption that the couple stayed in one place before they separated, is valid. The area of residence data of the applicant is more meaningful to the study when looking at which divorce agency he or she went. Secondly, the relationships between the data will be examined through cross-tabulations and any differences will be tested for significance. Thirdly, the divorce respondent data will be looked at across the six years of the study to examine any trends that might emerge. Lastly, the differences in the items in the light of the two divorce agencies will be examined. Please note that the comparison between the two organisations will only be done between the last four years.

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<sup>23</sup> See Appendix Two for all the data tables referred to in the section.

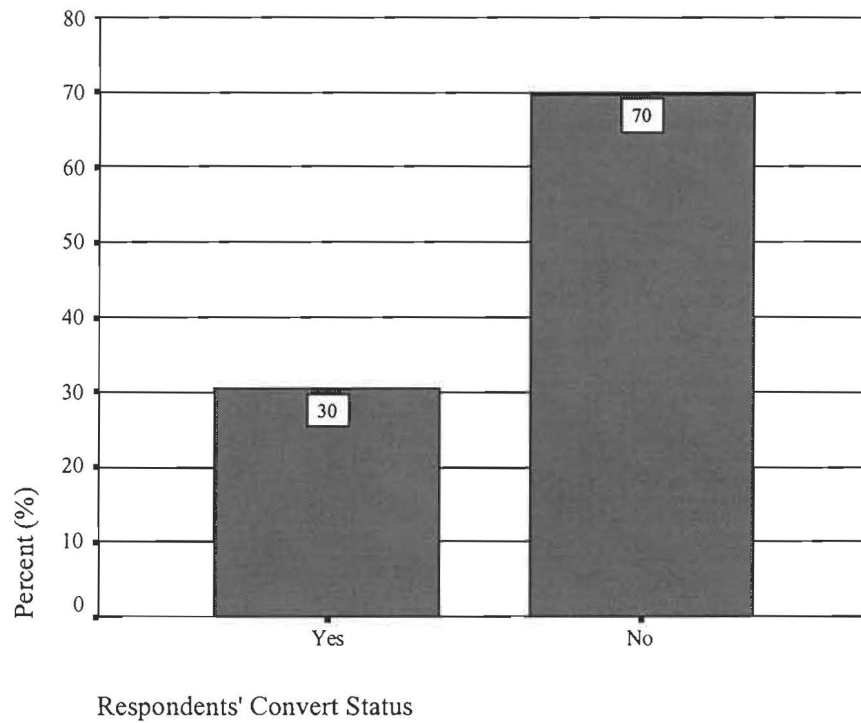
### 4.3.1 Age



**Figure 9: Age categories of the respondent**

The average age of a respondent is 33.51 years (Standard Deviation: 9.177) and ranges from a 17-year old to a 70-year old. The relatively low positive skewness statistic (0.873) indicates that the distribution of the ages loosely resembles a normal distribution. This means that although the age distribution scale leans slightly towards the younger age groups, it is fairly well distributed among the other age categories. This is formally confirmed by the low positive kurtosis statistic (0.768) that indicates that the ages of the applicants do not cluster around common ages and there are fewer outliers towards the upper ranges of the distribution. The age distribution scale leans more to the younger age groups.

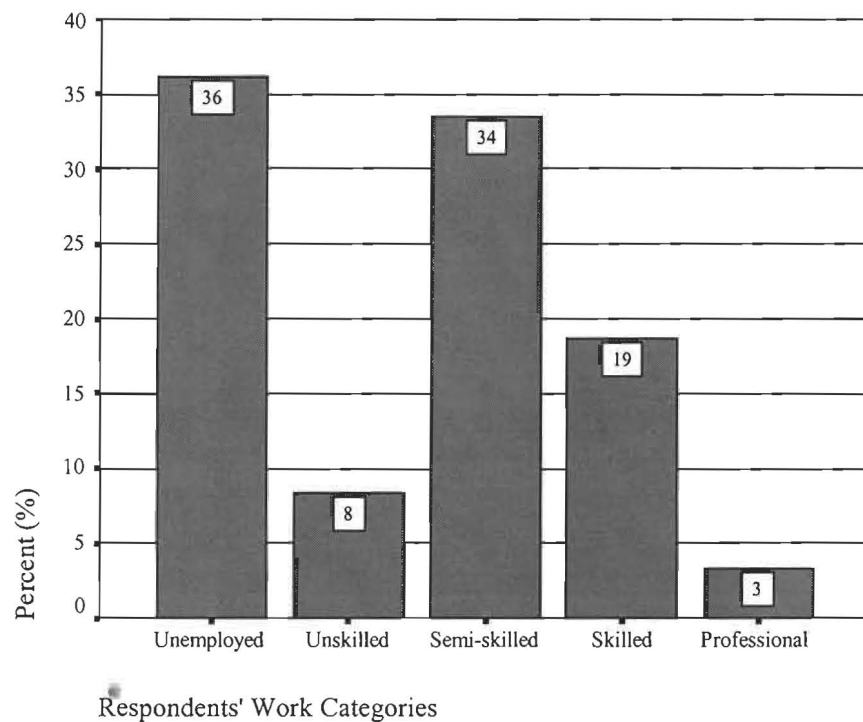
#### 4.3.2 *Convert status*



**Figure 10: Convert status of the respondent**

There is a low incidence of convert respondents in the study (30.3%,  $N = 182$ ). When taking the overall incidence of 52.7 percent ( $N = 316$ ) of marital unions that includes a religious convert in Muslim marriages in this study into account, the low incidence of converts as respondents becomes significant ( $t = 29.729$ ,  $df = 417$ ,  $p < 0.01$ ).

### 4.3.3 *Work status*

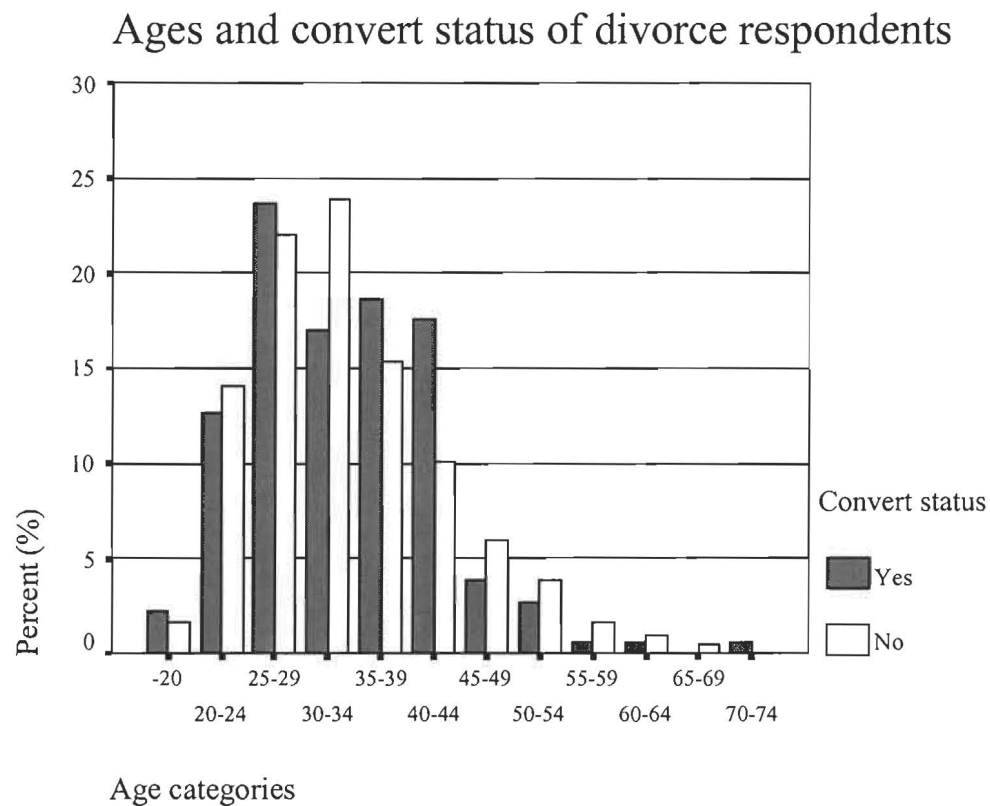


**Figure 11: Work categories of the respondent**

Thirty-six point two percent of the respondents for divorce are unemployed. The three bottom categories (Unemployed, Unskilled and Semi-skilled) constitute 78 percent of the applicant population.

#### 4.3.4 Inter-relationships between the various items

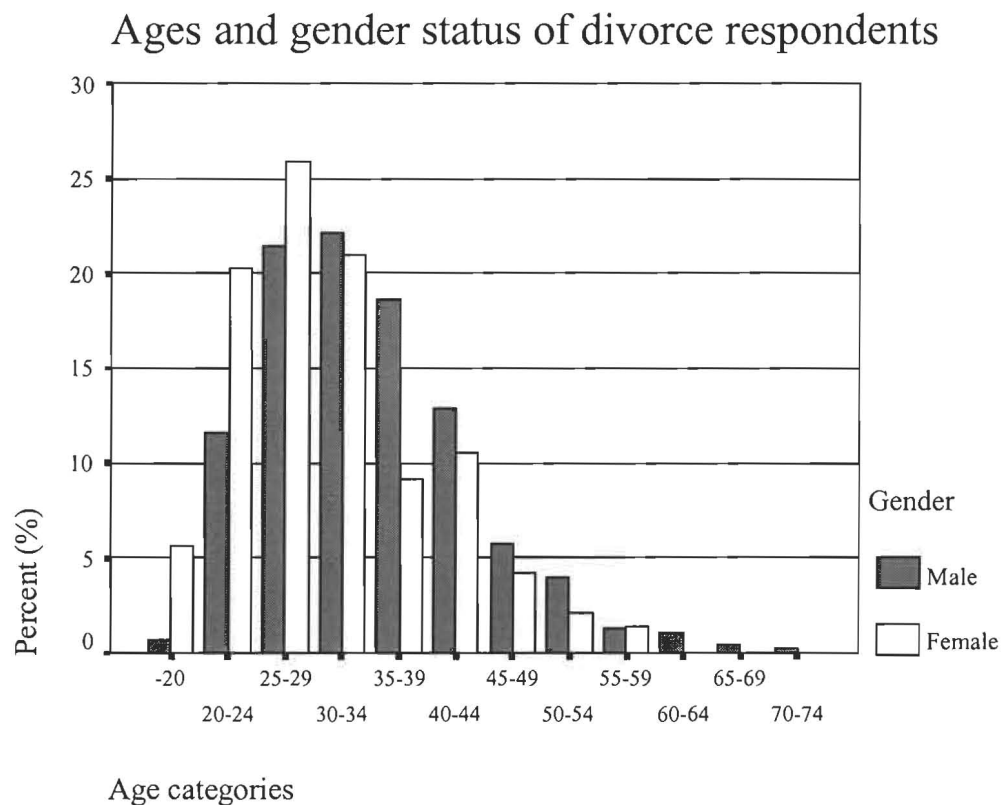
##### 4.3.4.1 The relationship between the ages and convert status of the respondent



**Figure 12: Ages and convert status of divorce respondents**

Respondent converts are concentrated mostly around the lower-age groups (25-29 = 23.6%, 30-34 = 17.0%, 35-39 = 18.7%).

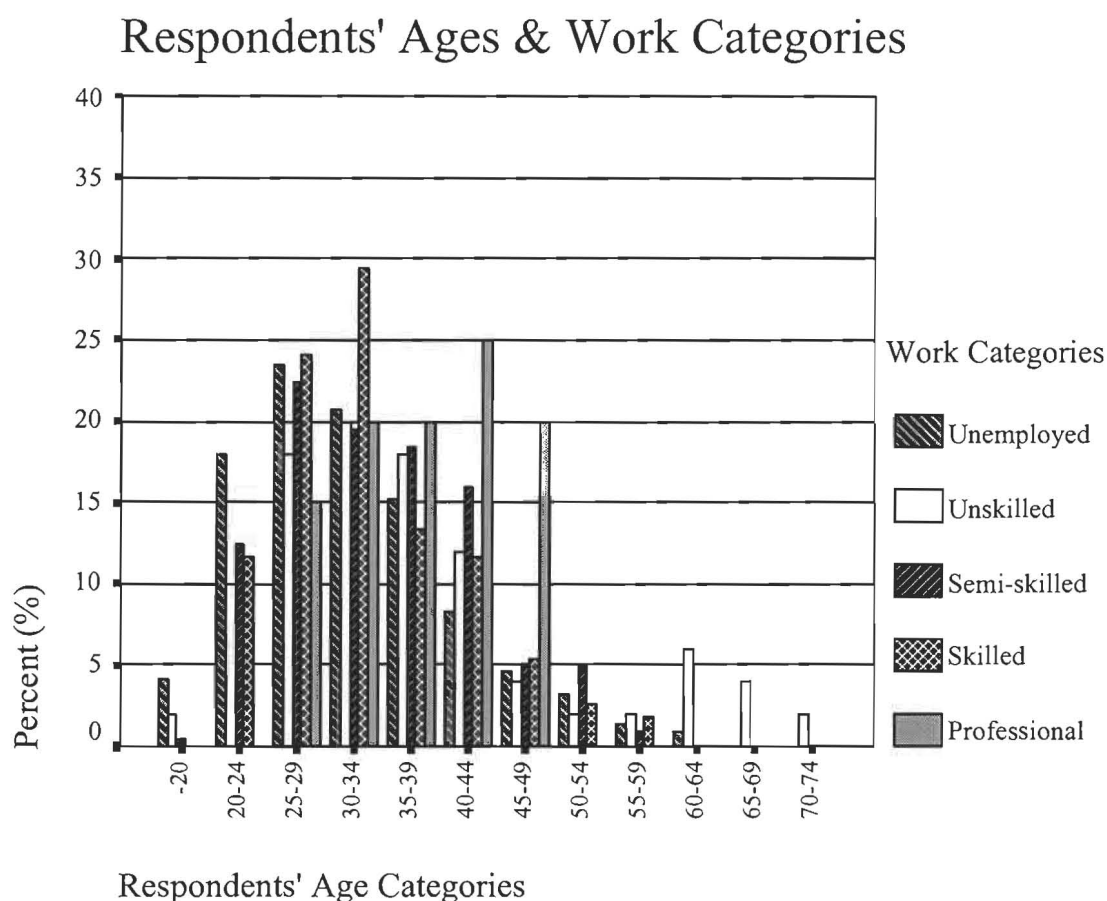
#### 4.3.4.2 *The relationship between the ages and gender status of the respondent*



**Figure 13: Ages and gender status of divorce respondents**

The respondents' ages are concentrated differently for each gender. For males, 62.1 percent of the male respondents cluster around 25-39-age categories, while the female respondents (67.2%) cluster around the 20-34-age categories. A Chi-square analysis test revealed a significant difference between the age of an applicant and his or her gender ( $\chi^2 = 32.073$ ,  $df = 11$ ,  $p = 0.001$ ).

#### 4.3.4.3 *The relationship between the ages and work-status categories of the respondent*

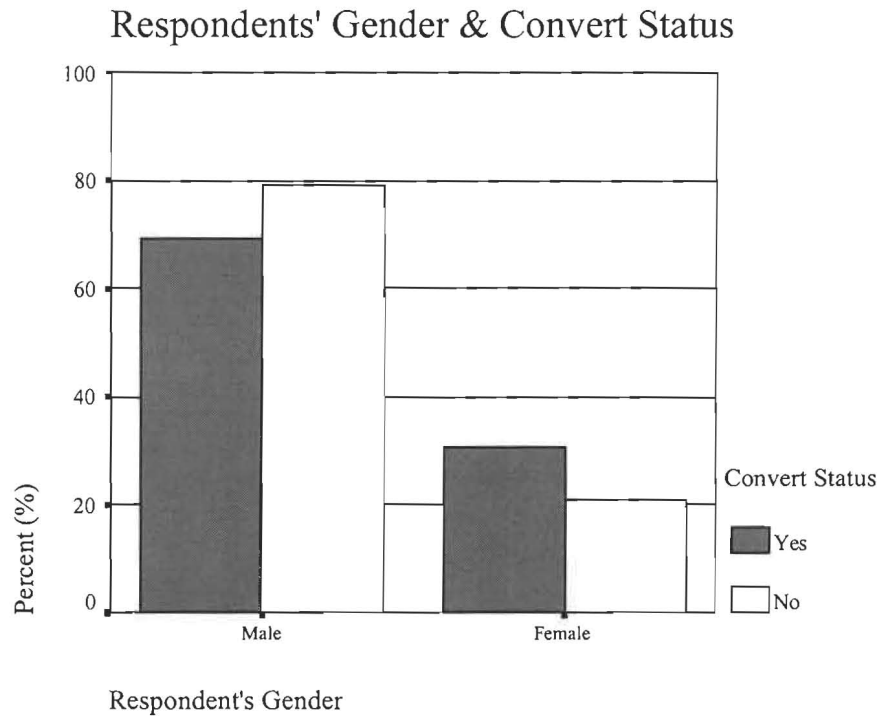


**Figure 14: Respondent's age and work categories**

Two of the applicant's work categories are concentrated in the 25-29-age category (unemployed = 23.5%, semi-skilled = 22.4%). The unskilled work category peaks at 20.0 percent in the 30-34-age category, the skilled work category at 29.5 percent in the 30-34-age category and the professional work category in the 40-44-age category (25.0%). A Chi-square analysis test revealed a significant difference between the age of an applicant and his or her work status ( $\chi^2 = 95.180$ ,  $df = 44$ ,  $p < 0.01$ ).

#### 4.3.4.4 *The relationship between the convert and gender status of the respondent*

The difference between the respondent's gender and their convert status is significant.

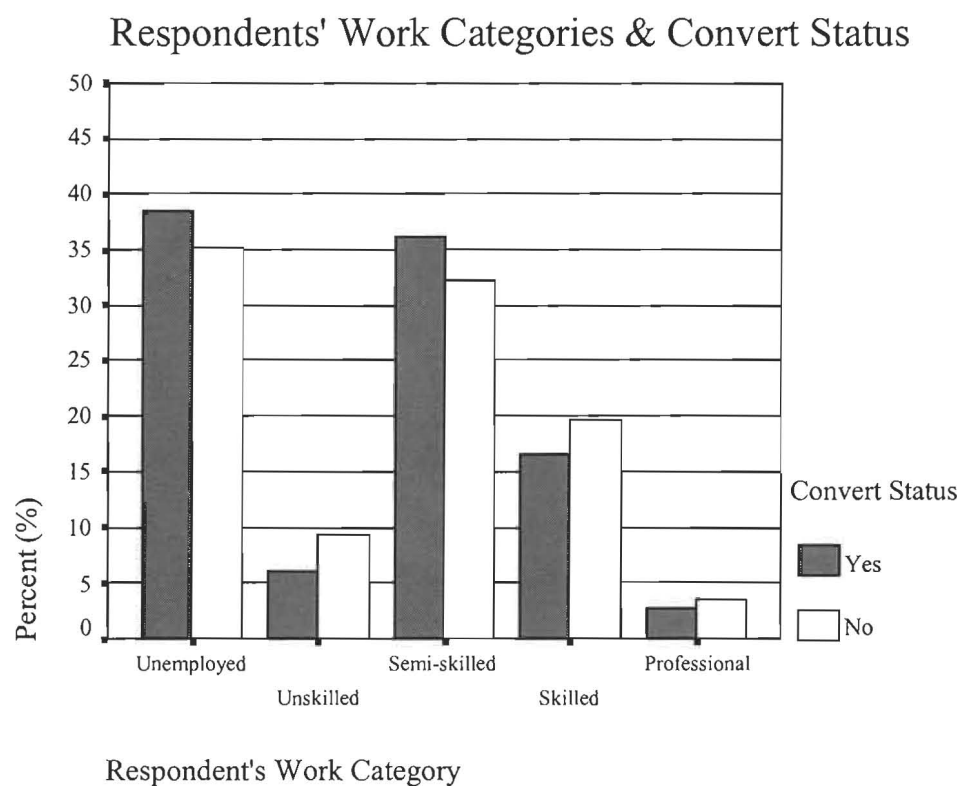


**Figure 15: Respondent's gender and convert status**

The mean difference between the two genders in relation to whether they are converts or not, is found to be significant when using a t-test:  $t = 3.090$ ,  $df = 291.661$ ,  $p = 0.002$ . The incidence of male convert respondents is only 27.6 percent against other male applicants while the incidence of female convert respondents is a little higher at 39.2 percent against the general female respondent population. A test of variance also reveals significance:  $\chi^2 = 6.923$ ,  $df = 1$ ,  $p = .009$



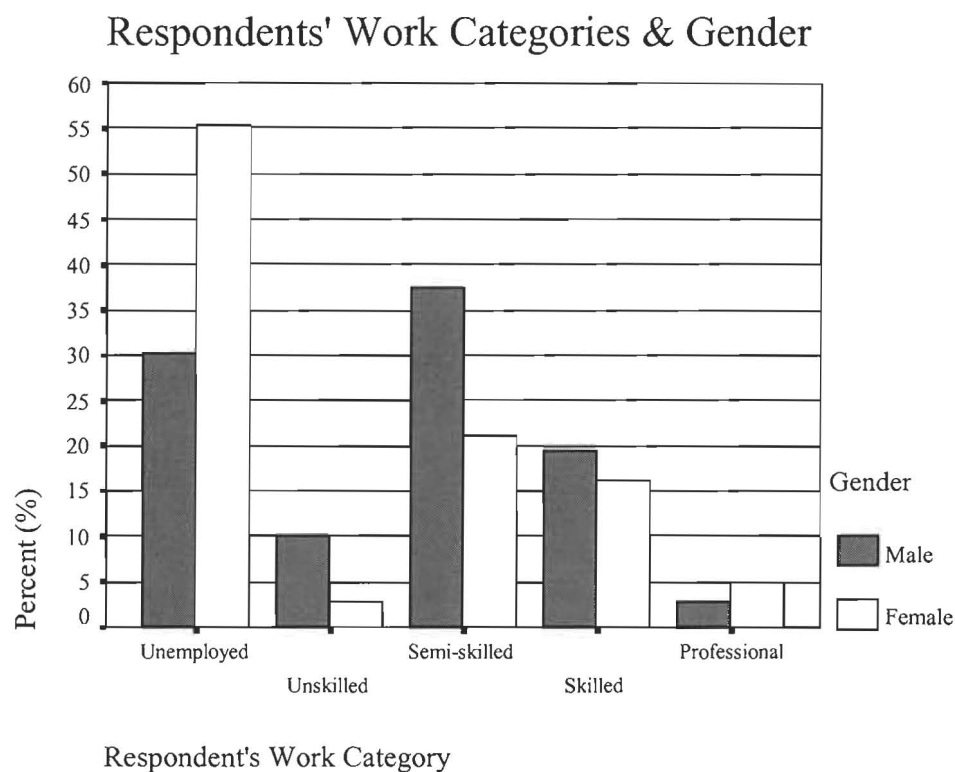
#### 4.3.4.5 *The relationship between the convert and work-status categories of the respondent*



**Figure 16: Respondent's convert and work categories**

The mean difference between the work-status categories and whether or not they were converts or not is not significant ( $\chi^2 = 3.555$ ,  $df = 4$ ,  $p = 0.470$ ). The percentage of convert respondents that fall in the unemployed category is 32.3 percent. The other categories are the following: Unskilled (22.0%), semi-skilled (32.8%), skilled (26.8%) and professional (25.0%).

#### 4.3.4.6 *The relationship between the gender and work-status categories of the respondent*



**Figure 17: Respondent's convert and gender**

The male respondent population peaks in the 'semi-skilled' work category with 37.4 percent. The second-most representative category is the 'unemployed' category (30.2%), the 'skilled' category (19.5%), the 'unskilled' category (10.1%) and the 'professional' category (2.8%).

The female distribution among the work categories differs from that of the males: 55.2 percent of respondent females are unemployed, 21.0 percent fall in the 'semi-skilled' category, 16.1 percent in the 'skilled' category, 4.9 percent in the 'professional' category and 2.8 percent in the 'unskilled' category. The mean difference between the work categories of the respondent and their gender is significant ( $\chi^2 = 36.630$ ,  $df = 4$ ,  $p < 0.01$ ).

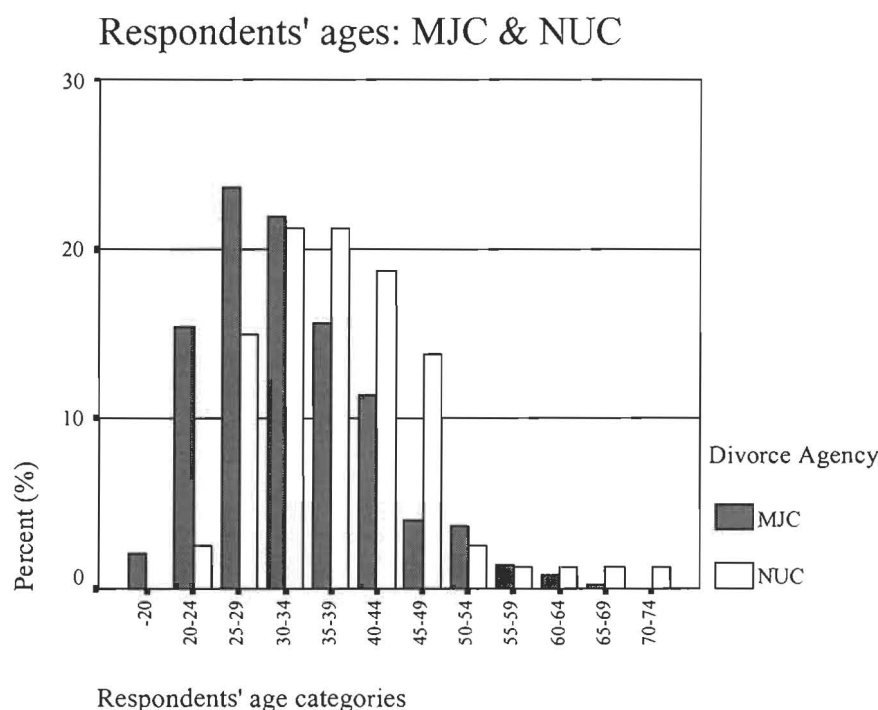
#### 4.3.5 *Six-year trend*

The annual average of convert respondents is 30.3 percent, the highest incidence in 1998 (35.0%) and the lowest incidence in 1999 (22.0%). From 1995 to 1999, most of the respondents concentrate around the 25-29 year age group ( $M = 24.0$ ). In 1994, however, the respondents peak in the 30-34 year age group ( $M = 27.0$ ).

#### 4.3.6 *Comparisons between the MJC and the NUC*

According to the test of variance on all the respondents' data by the two divorce agencies, several significant trends emerged: The respondents' age categories ( $F = 25.356$ ,  $df = 1$ ,  $p < 0.01$ ), the respondent's gender status ( $F = 8.135$ ,  $df = 1$ ,  $p = 0.004$ ) and the respondent's work categories ( $F = 9.243$ ,  $df = 1$ ,  $p = 0.002$ ). The convert status and area of residence did not produce any variance of statistical significance.

##### 4.3.6.1 *The MJC and the NUC and the age categories of the respondent*



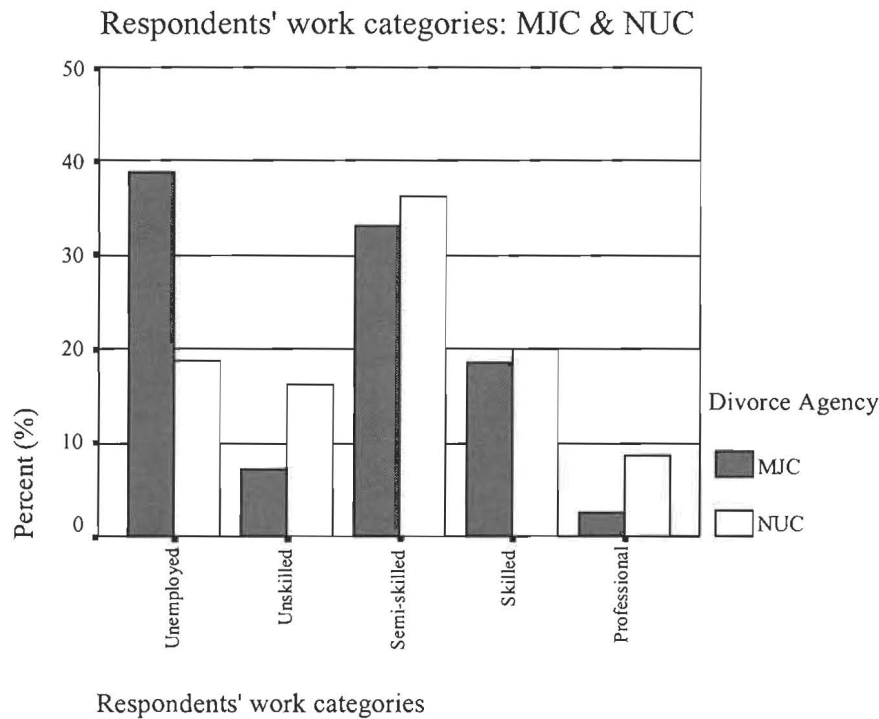
**Figure 18: Respondent's age categories at the MJC and the NUC**

The average age of divorce respondents at the MJC is 32.78 years (Standard Deviation: 8.949) and ranges from a 17-year old to a 65-year old respondent. It has a slightly high positive skewness statistic (0.890) that means that the distribution of the ages has a slight skewness with a right tail and therefore leans more to the younger age groups. This asymmetry is confirmed by the slightly high positive kurtosis statistic (0.690) that indicates that the ages of the applicants cluster more around ages that are outliers towards the lower age ranges of the distribution.

At the NUC, the average age of divorce respondents is 38.23 years (Standard Deviation: 9.299) and ranges from a 22-year old to a 70-year old applicant. It has a relatively high skewness statistic (0.947) that means that the distribution of the ages has a normal curve with a slight tail to the right. This asymmetry is confirmed by the high positive kurtosis statistic (1.419) that indicates that the ages of the applicants cluster more around ages that are outliers towards the lower age ranges of the distribution.

The mean age difference of 5.44 years between an NUC respondent and an MJC respondent, where the former is older, is found to be significant ( $T = -5.44$ ,  $df = 598$ ,  $p < 0.01$ ).

#### 4.3.6.2 *The MJC and the NUC and the work categories of the respondent*



**Figure 19: Respondent's work categories at the MJC and the NUC**

The difference between the work categories of the NUC and the MJC respondents is significant ( $T = -3.102$ ,  $df = 106.337$ ,  $p = 0.002$ ). The MJC respondents are more represented on the two lowest work categories (45.9%) than their counterparts at the NUC (35.1%). The opposite is true at the other end of the work scale. The NUC respondents are more represented on the two highest work categories (28.8%) than their counterparts at the MJC (21%).

### 4.3.7 Relationships between applicant and respondent

#### 4.3.7.1 Relationship between the ages and gender of the applicant and the respondent

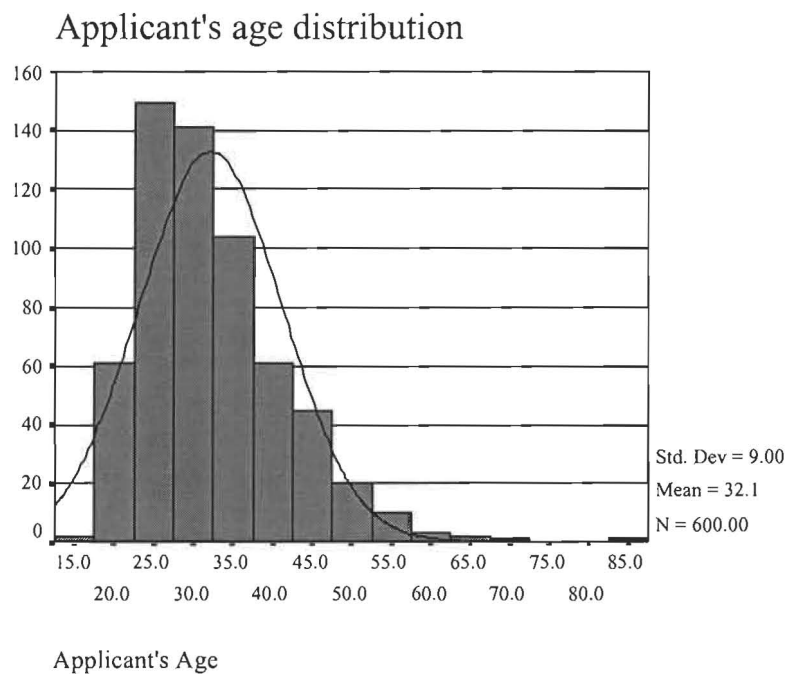


Figure 20: Distribution of applicant's ages

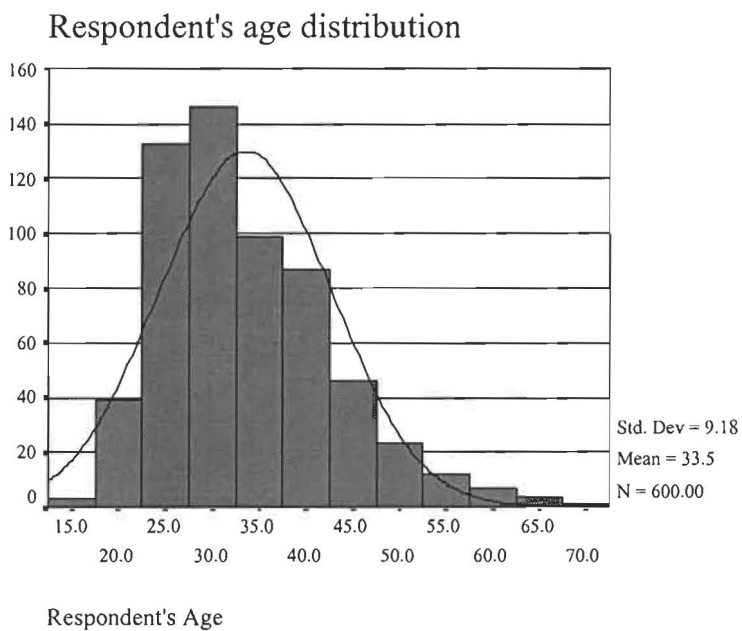


Figure 21: Distribution of respondent's ages

When the frequency distributions of the applicant and the respondent are compared, the applicant is 1.39 years younger than the respondent. This difference is significant ( $\chi^2 = 1456.354$ ,  $df = 121$ ,  $p < .01$ ), and the skewness and kurtosis statistics of the applicant's distribution scale are much higher than that of the respondent's scale. This is true because the applicants generally tend to apply for a divorce within a certain age category (25-29 years).

The average age of the female applicant is 32.07 (N: 457; Standard Deviation: 8.92) and she is on average 2.35 years older than her spouse (Standard Deviation: 5.24). The male applicant is on average 1.66 years older than his spouse (Standard Deviation: 4.83). The applicant, in general, is on average 2.18 years older than their spouse (Standard Deviation: 5.15).

#### 4.3.7.2 *Relationship between the work status of the applicant and the respondent*

Table 7: Relationship between the work status of the applicant and the respondent

		Respondent's Work Category					Total
		Unemployed	Unskilled	Semi-skilled	Skilled	Professional	
Applicant's Work Category	Unemployed	79	18	92	41	7	237
	Unskilled	16	16	15	3	1	51
	Semi-skilled	75	9	52	24	4	164
	Skilled	42	5	34	40	4	125
	Professional	5	2	8	4	4	23
Total		217	50	201	112	20	600

As an indication of the economic factor as an important factor within the divorce population, 454 cases (75.7%) involve an unemployed person.

#### 4.4 Gender relationships<sup>24</sup>

Table 8: Summary of gender milestones within the study

Gender	Age at marriage	Age at parenthood	Age at divorce
Male	25.76	24.41	33.91
Female	23.58	22.30	31.72

First, the ages of the genders at the time of divorce, marriage and parenthood will be examined for frequency distribution characteristics such as the mean, range and type of distribution.

Other items such as convert status and work status will be examined in a similar manner.

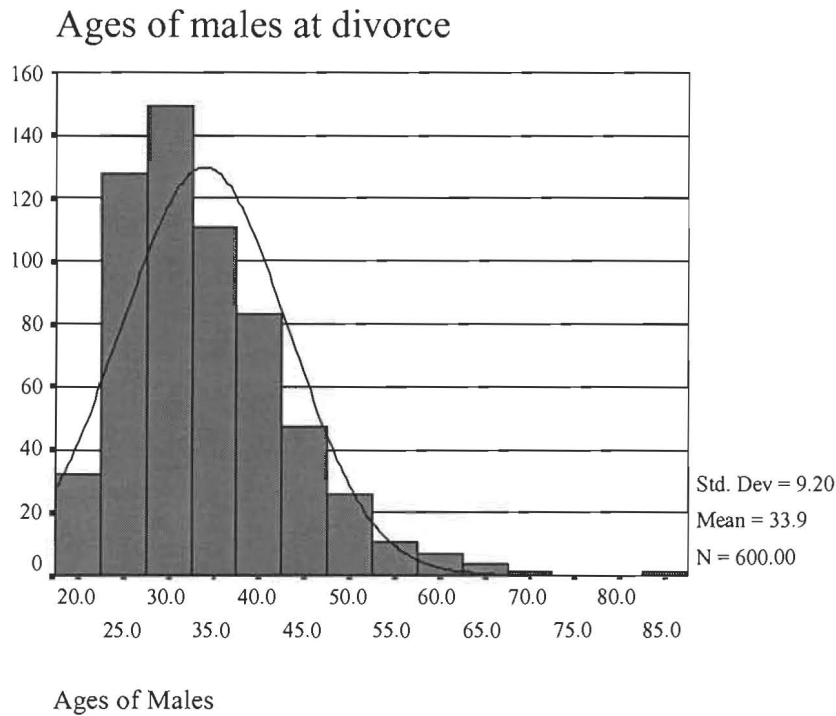
Secondly, the relationships between the items will be examined through cross-tabulations and any differences will be tested for significance. Thirdly, the data will be looked at across the six years of the study to examine any trends that might emerge. Lastly, the differences in the data in the light of the two divorce agencies will be examined.

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<sup>24</sup> See Appendix Two for all the data tables referred to in the section.



#### 4.4.1 *Ages of males at divorce*

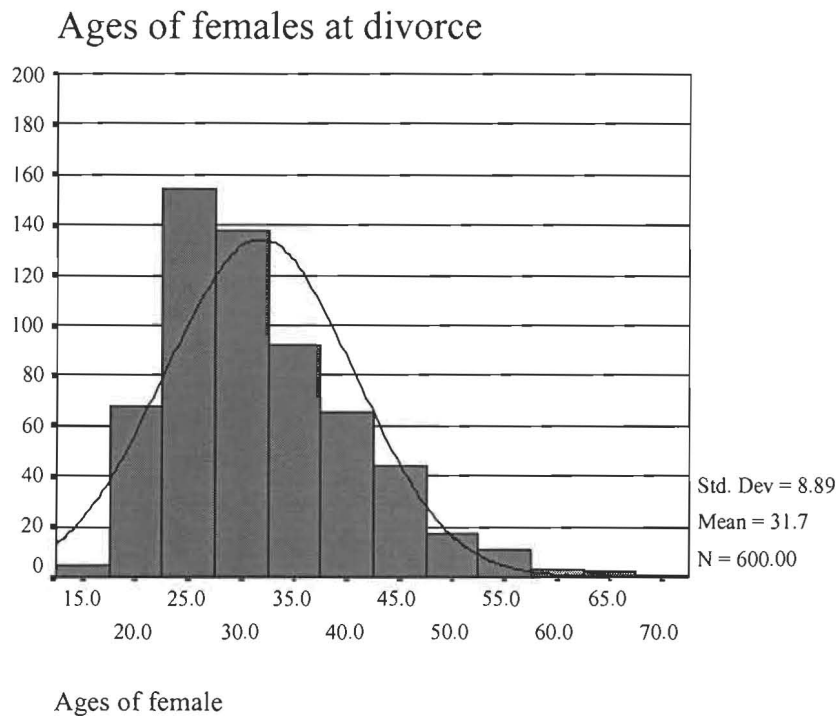


**Figure 22: Males' ages at divorce**

The average age of divorcing males is 33.91 years (SD=9.204) Kurtosis: 1.813; Std. Error of Kurtosis: 0.199) and ranges from a 19-year old to an 83-year old male (Standard Deviation: 9.204; Skewness: 1.085; Std. Error of Skewness: 0.100).

As calculated from the high skewness statistic and low error, the distribution of divorcing males within the sample presents a significant positive skewness with a long right tail. The high positive kurtosis statistic indicates that the ages of the applicants cluster more around common ages and there are more outliers towards the upper age ranges of the distribution.

#### 4.4.2 *Ages of females at divorce*



**Figure 23: Females' ages at divorce**

The average age of divorcing females is 31.72 years (Kurtosis: 0.723; Standard Error of Kurtosis: 0.199) and ranges from a 16-year old to a 69-year old female (Standard Deviation: 8.894; Skewness: 0.910; Std. Error of Skewness: 0.100).

The distribution of divorcing females within the sample presents a reasonable skewness with a long right tail. The positive skewness statistic indicates that the age distribution scale leans more to the younger age groups. Its departure from a symmetrical distribution can also be roughly estimated, as its skewness value (1.085) is more than twice its standard error (0.100). This asymmetry, however, is more formally confirmed by the high positive kurtosis statistic that indicates that the ages of the applicants cluster more around common ages and there are more outliers towards the upper age ranges of the distribution.

#### 4.4.3 Relationship between the ages of males and females at divorce

The males at the time of divorce are 2.19 years older than the female. A Chi-Square test reveals a significant difference between the two gender groups at the time of divorce ( $\chi^2 = 6026.766$ ,  $df = 2116$ ,  $p < 0.01$ ). The male age distribution has a more positively skewed distribution than the female's, which indicates that there is a higher incidence of males on the lower age categories. This shows that males go for divorces at earlier ages. The distribution also shows that they cluster around the 25-29-age category.

#### 4.4.4 Ages of males at marriage

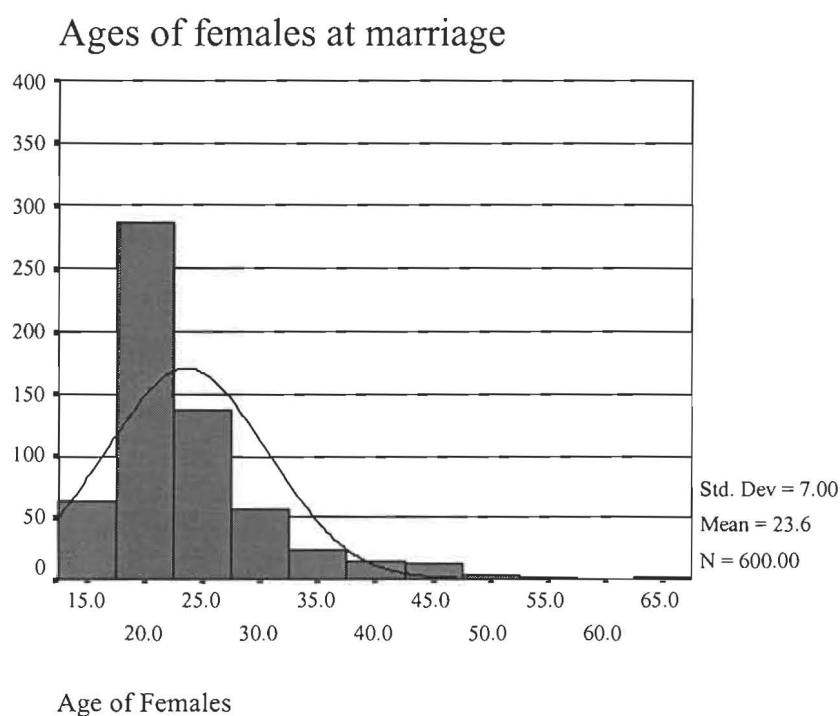


**Figure 24: Males' ages at marriage**

The average age of marrying males is 25.76 years (Kurtosis: 5.283; Standard Error of Kurtosis: 0.199) and ranges from a 14-year old to 69-year old male (Standard Deviation: 7.532; Skewness: 2.013; Std. Error of Skewness: 0.100).

The distribution of marrying males within the sample presents a pronounced positive skewness with a long right tail. The positive skewness statistic indicates that the age distribution scale leans more to the younger age groups. Its departure from a symmetrical distribution can also be roughly estimated, as its skewness value (2.013) is more than twice its standard error (0.100). This asymmetry, however, is more formally confirmed by the high positive kurtosis statistic (5.283) that indicates that the ages of the applicants cluster more around common ages and there are more outliers towards the upper age ranges of the distribution.

#### 4.4.5 *Ages of females at marriage*



**Figure 25: Females' ages at marriage**

The average age of marrying females is 23.58 years (Kurtosis: 6.160; Standard Error of Kurtosis: 0.199) and ranges from a 14-year old to 65-year old female (Standard Deviation:

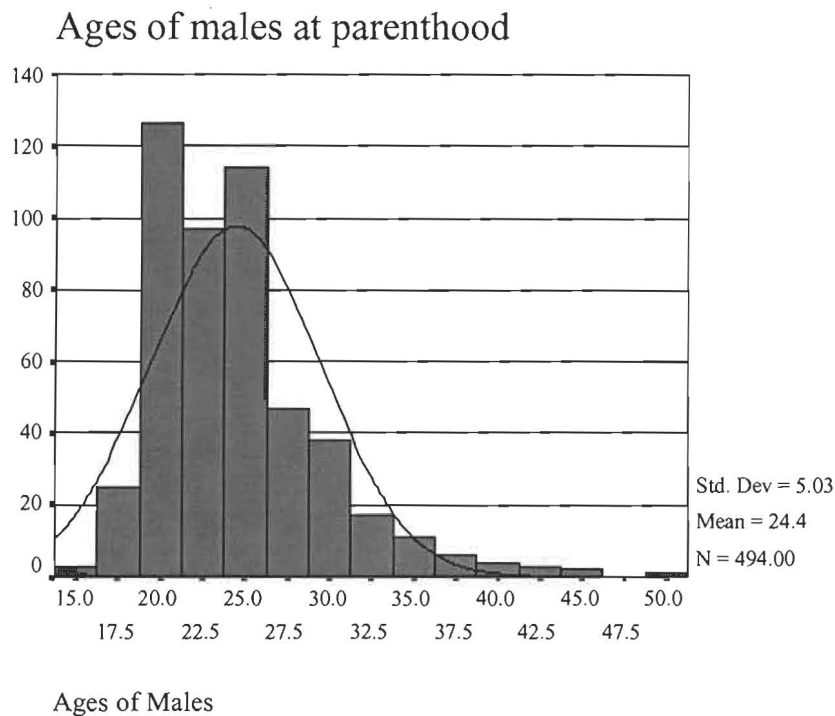
7.003; Skewness: 2.084; Std. Error of Skewness: 0.100).

The distribution of marrying females within the sample presents a pronounced positive skewness with a long right tail. The positive skewness statistic indicates that the age distribution scale leans more to the younger age groups. Its departure from a symmetrical distribution can also be roughly estimated, as its skewness value (2.084) is more than twice its standard error (0.100). This asymmetry, however, is more formally confirmed by the high positive kurtosis statistic (6.160) that indicates that the ages of the applicants cluster more around common ages and there are more outliers towards the upper age ranges of the distribution.

#### 4.4.6 *Relationship between the ages of males and females at marriage*

The male at the time of marriage is 2.18 years older than the female. A Chi-Square test reveals a significant difference between the two gender groups at the time of divorce ( $\chi^2 = 5370.691$ ,  $df = 1596$ ,  $p < 0.01$ ). Both genders show a significant positive skewed distribution, which indicates that both genders tend to marry around the mean age and the kurtosis statistic, especially of the females (6.160), shows a clear clustering effect around the younger ages.

#### 4.4.7 *Ages of males at parenthood*

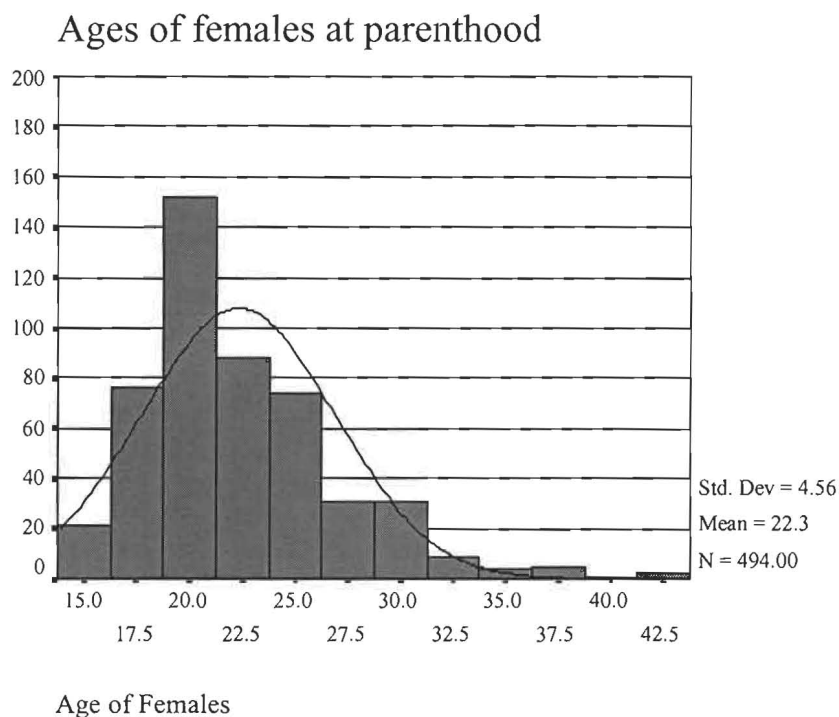


**Figure 26: Males' ages at parenthood**

The average age of expectant fathers is 24.41 years (Kurtosis: 2.998; Standard Error of Kurtosis: 0.219) and ranges from a 14-year old to 50-year old male (Standard Deviation: 5.033; Skewness: 1.403; Std. Error of Skewness: 0.110).

The distribution of expectant fathers within the sample presents a pronounced positive skewness with a long right tail. The positive skewness statistic indicates that the age distribution scale leans more to the younger age groups. Its departure from a symmetrical distribution can also be roughly estimated, as its skewness value (1.403) is more than twice its standard error (0.110). This asymmetry, however, is more formally confirmed by the high positive kurtosis statistic (2.998) that indicates that the ages of the applicants cluster more around common ages and there are more outliers towards the upper age ranges of the distribution.

#### 4.4.8 *Ages of females at first parenthood*



**Figure 27: Females' ages at parenthood**

The average age of expectant mothers is 22.30 years (Kurtosis: 2.068; Standard Error of Kurtosis: 0.219) and ranges from a 14-year old to 42-year old female (Standard Deviation: 4.561; Skewness: 1.201; Std. Error of Skewness: 0.110).

The distribution of expectant mothers within the sample presents a moderate positive skewness with a long right tail. The positive skewness statistic indicates that the age distribution scale leans more to the younger age groups. Its departure from a symmetrical distribution can also be roughly estimated, as its skewness value (1.201) is more than twice its standard error (0.110). This asymmetry, however, is more formally confirmed by the high positive kurtosis statistic (2.068) that indicates that the ages of the applicants cluster more around common ages and there are more outliers towards the upper age ranges of the distribution.

#### 4.4.9 *Relationship between the ages of males and females at parenthood*

The males at the time of divorce are 2.11 years older than the female. A Chi-Square test reveals a significant difference between the two gender groups at the time of divorce ( $\chi^2 = 2250.002$ ,  $df = 806$ ,  $p < 0.01$ ). Both genders show a big positive skewed distribution, which indicates that a high percentage of both genders tend to procreate around the mean age and the kurtosis statistic, especially of the males (2.998), shows a clear clustering effect around the younger ages.

#### 4.4.10 *Age differences between spouses*

**Table 9: Age differences between spouses in relation to the Applicant's gender**

<b>Applicant's Gender</b>	<b>Mean of Age Difference between spouses<sup>25</sup></b>	<b>N</b>	<b>Std. Deviation</b>
Male	1.66	143	4.832
Female	2.35	457	5.236
Total	2.18	600	5.147

The above table shows an age difference of 0.69 years of males over females, between male-initiated divorces (1.66 years) and female-initiated divorces (2.35 years). It is possible that females, being 2.35 years younger than the male, are unable to negotiate interpersonal interaction within the marriage and therefore resort more readily to external negotiation mechanisms such as a divorce agency.

#### 4.4.11 *Relationship between the convert status of males and females*

**Table 10: Convert status of genders**

	<b>Frequency</b>	<b>Percent</b>
<b>N/A</b>	284	47.3
<b>Male</b>	146	24.3
<b>Female</b>	170	28.3
<b>Total</b>	600	100.0

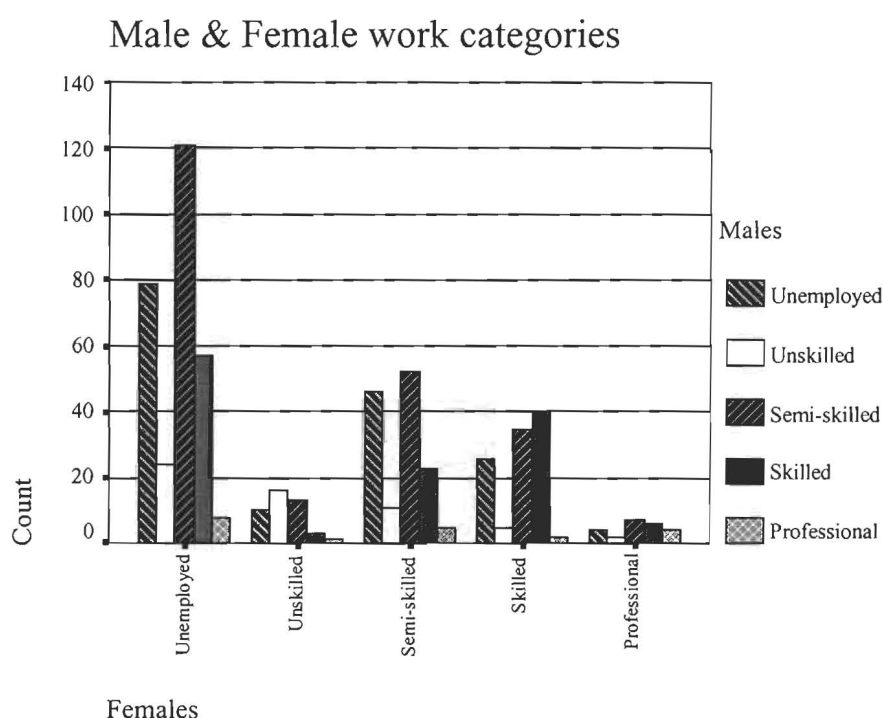
Male converts make up 24.3 percent ( $N = 146$ ) of the male population in the study. This

<sup>25</sup> See footnote 18



group is further broken up into 13.7 percent (N = 20) applicants and 86.3 percent (N = 126) respondents. Female converts constitute 28.3 percent of the female population in the study with 67.0 percent (N = 114) applicants and 33.3 percent (N = 56) respondents. These differences are significant ( $\chi^2 = 76.283$ ,  $df = 1$ ,  $p < 0.01$ )

#### 4.4.12 Relationship between the males and females and their work categories



**Figure 28: Male and female work categories**

The work categories of male applicants are fairly well distributed with the ‘semi-skilled’ category slightly more representative. The picture is different with the female applicants as the ‘unemployed’ category is dominant among females at the expense of the other categories. The mean differences between the two groups are significant ( $\chi^2 = 77.237$ ,  $df = 16$ ,  $p < 0.01$ ).

#### 4.4.13 Six-year trend

According to the test of variance on all the two gender groups’ data by the six-year period

from 1994 to 1999, there are no significant trends that emerged from the data. The average of convert males is 24.3 percent for males with the highest incidence of 19.9 percent in 1996 followed by 19.2 percent in 1995 and 18.5 percent in 1998. The lowest incidence of male converts occurred in 1994 with 17.0 percent. Females have an average of 28.3 percent with the highest incidence of 19.4 percent in 1994, followed by 18.8 percent in 1998. The lowest incidence of female converts is in 1999 with 14.1 percent.

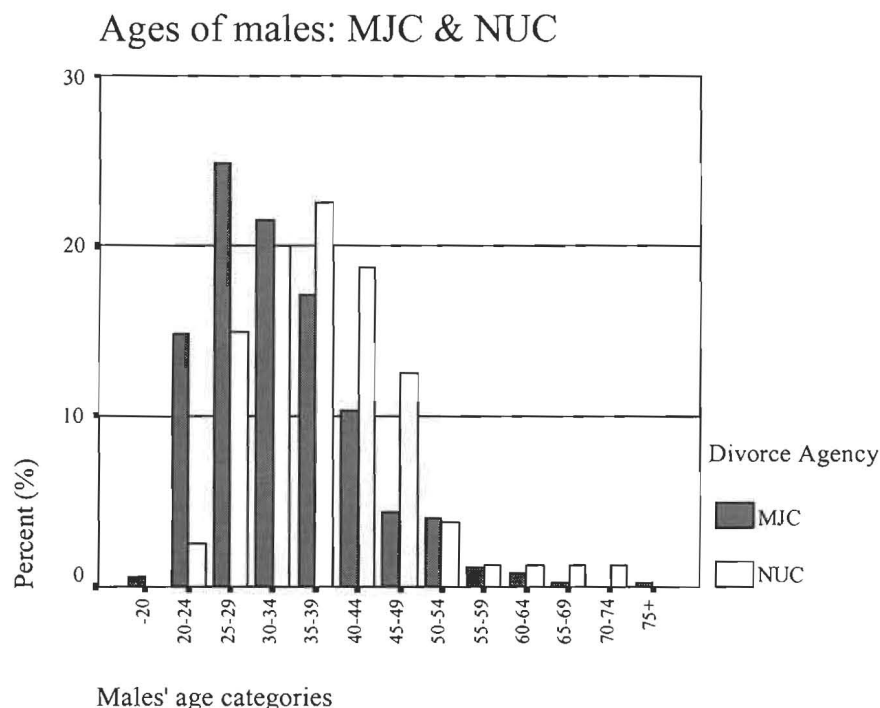
The annual division of work categories among gender groups does not differ over the six-year period. The differences between the genders on each work category, however, are noteworthy: Unemployed = 20.7%, unskilled = 2.5%, semi-skilled = 15.2%, skilled = 3.5% and professional = 0.5%. Only the female group's trend is significant ( $F = 3.684$ ,  $df = 5$ ,  $p = 0.003$ ).

#### *4.4.14 Comparisons between the MJC and the NUC*

More male applicants are observed in the MJC sample (25.8% against 11.3%). This statistic is linked to the type of referral agencies that men use in the divorce process. The local imam refers many of the male application cases to the divorce agency for adjudication. Since most of the imams in the greater Cape Town area are affiliated to the MJC, it is only natural that these cases are referred to the MJC instead of the NUC.

According to the test of variance on all the respondent's data by the two divorce agencies, three significant trends emerged: The male's age categories ( $F = 21.763$ ,  $df = 1$ ,  $p < 0.01$ ), the female's gender status ( $F = 9.286$ ,  $df = 1$ ,  $p = 0.002$ ) and the age differences between spouses ( $F = 8.944$ ,  $df = 1$ ,  $p = 0.003$ ). The convert status, work categories and areas of residence did not produce any variance of statistical significance.

#### 4.4.14.1 The MJC and the NUC and the age categories of the male group



**Figure 29: Male age categories between the MJC and the NUC**

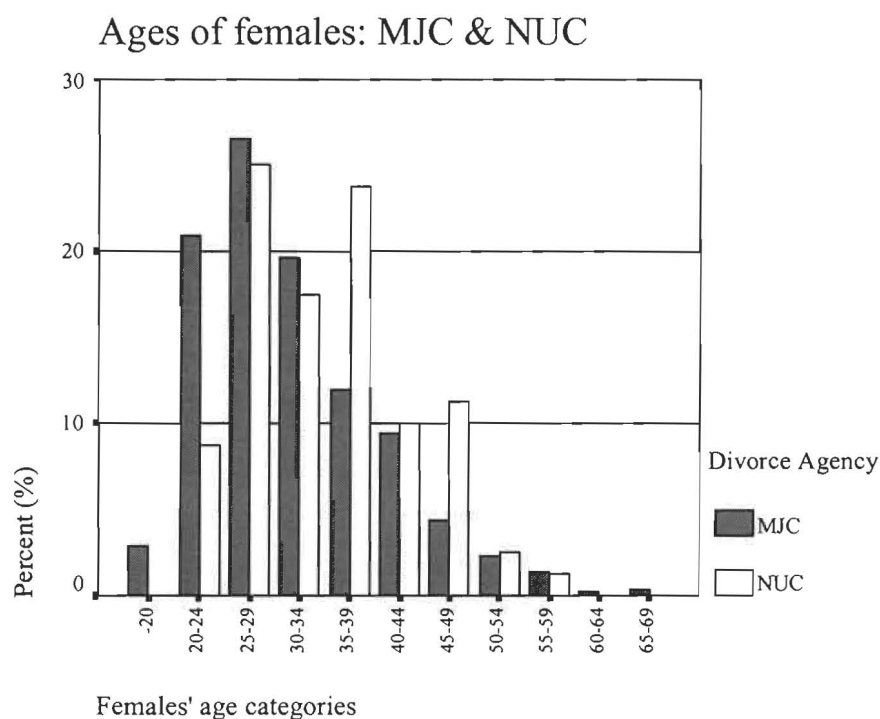
The average age of male subjects at the MJC is 33.23 years (Standard Deviation: 8.995) and ranges from a 19-year old to an 83-year old. It has a high positive skewness statistic (1.149) that means that the distribution of the ages has a skewness with a right tail and therefore leans more to the younger age groups. This asymmetry is confirmed by the high positive kurtosis statistic (2.110) that indicates that the ages of males cluster more around ages that are outliers towards the lower age ranges of the distribution.

At the NUC, the average age of divorced males is 38.30 years (Standard Deviation: 9.388) and ranges from a 22-year old to a 70-year old. It has a relatively high skewness statistic (0.930) that means that the distribution of the ages has a normal curve with a slight tail to the right. This asymmetry is confirmed by the high positive kurtosis statistic (1.273) that indicates that the ages of the applicants cluster more around ages that are outliers towards the lower age

ranges of the distribution.

There is a mean age difference of 5.07 years between a male attending the NUC opposed to one that attends the MJC process. The difference in the degree of skewness and clustering between the distribution of males attending the two divorce agencies is also large.

#### 4.4.14.2 *The MJC and the NUC and the age categories of the female group*



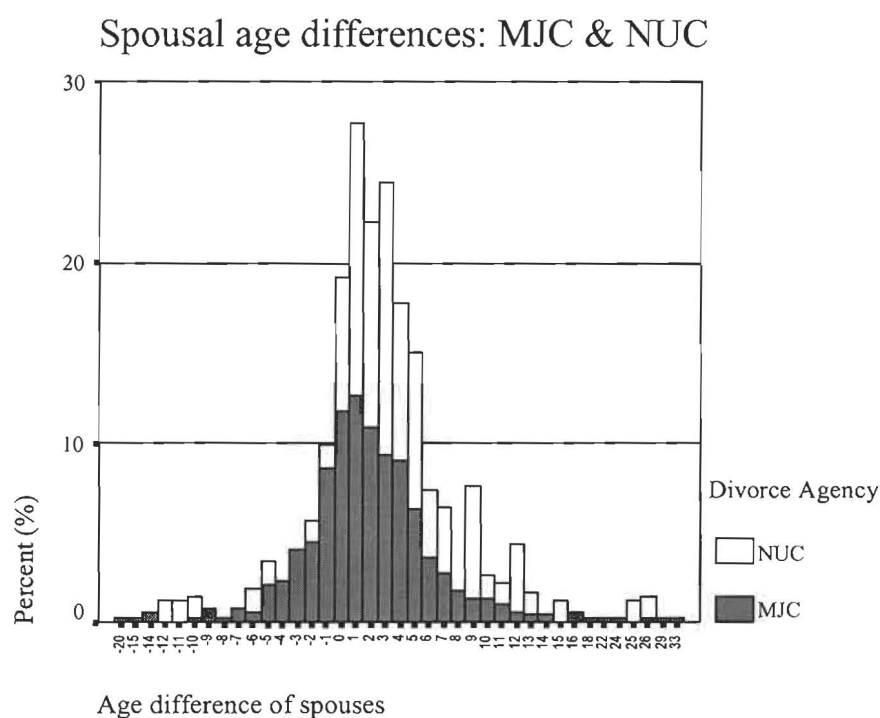
**Figure 30: Female age categories between the MJC and the NUC**

The average age of female subjects at the MJC is 31.29 years (Standard Deviation: 8.911) and ranges from a 16-year old to a 69-year old. It has a positive skewness statistic (1.011) that means that the distribution of the ages has a slight skewness with a right tail and therefore leans to the younger age groups. This asymmetry is confirmed by the slightly positive kurtosis statistic (1.029) that indicates that the ages of females cluster more around ages that are outliers towards the lower age ranges of the distribution.

At the NUC, the average age of divorced females is 34.53 years (Standard Deviation: 8.304) and ranges from a 20-year old to a 55-year old. It has a low skewness statistic (0.417) that means that the distribution of the ages has a normal curve with a slight tail to the right. It has a low kurtosis statistic (-0.518) that indicates that the ages of the females cluster more around ages that are outliers towards the higher age ranges of the distribution.

There is a slight mean age difference of 3.14 years between a female attending the NUC opposed to one that attend the MJC process.

#### 4.4.14.3 *The MJC and the NUC and the age difference between spouses*



**Figure 31: Age differences between spouses at the MJC and the NUC**

The age difference (1.84 years) between the spouses that attend proceedings at the NUC and the MJC is significant ( $F = 8.944$ ,  $df = 1$ ,  $p = 0.003$ ). They range from -20 years to 33 years. The distribution scales also differ considerably between the two divorce agencies. The age-

difference distribution scale of the MJC is more positively skewed (MJC = 1.078, the NUC = 0.862) with a big clustering effect (MJC = 7.385, the NUC = 4.325) towards the lesser years.

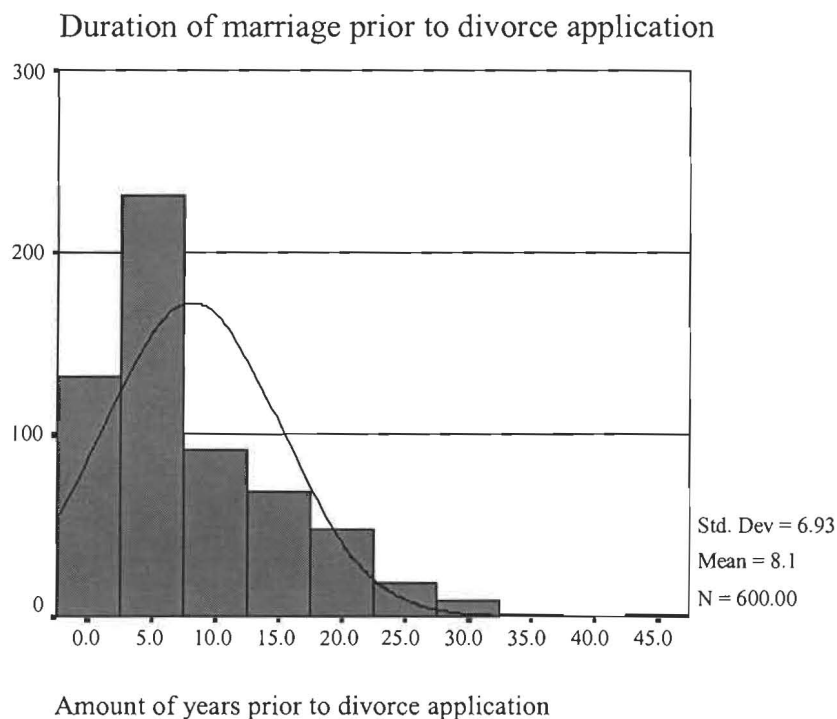
#### **4.5 The marriage<sup>26</sup>**

As a first step in understanding the marriages of the participants of this study, the time period (in years) between the date of marriage and the date of the first application for a divorce, the presence of a convert in the marital union, a pregnancy as the motivation for the marriage, the presence and number of children in the marriage as well as the time period preceding parenthood, will be examined for frequency distribution characteristics such as the mean, range and type of distribution. The relationships between the data will be examined through cross-tabulations and any differences will be tested for significance. The items will then be looked at across the six years of the study to examine any trends that might emerge. Lastly, the differences in the data in the light of the two divorce agencies will be examined. Please take note that any inferences made in this section should be restricted to the marriages in this study.

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<sup>26</sup> See Appendix Two for all the data tables referred to in the section.

#### 4.5.1 *Duration of marriage (in years) before first divorce application*



**Figure 32: Duration of marriage (in years) before first divorce application**

The average duration of years before a divorce application is 8.15 years (Standard Deviation: 6.934) and ranges from 0 to 43 years.

As calculated from the high skewness statistic (1.310) and low skewness error (0.100), the distribution of the duration within the sample presents a positive skewness with a right tail. The high positive kurtosis statistic (1.687) indicates that the number of years cluster more around outliers towards the lower ranges of the distribution.

The danger period where most of the divorce applications take place is the 1-4 year category (219) followed by the 5-9 year category (189).

#### 4.5.2 *Marriage by pregnancy*

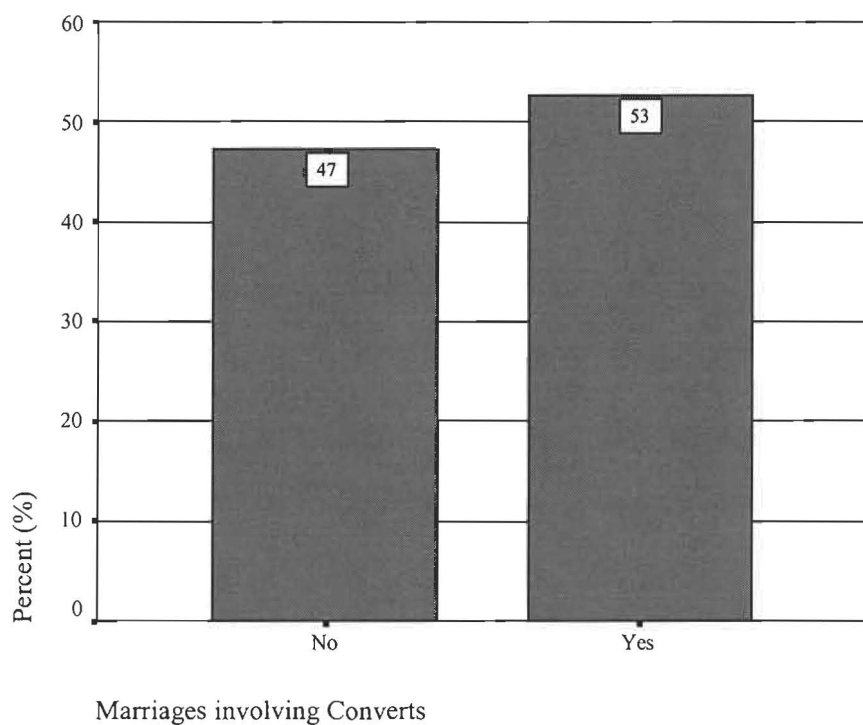


**Figure 33: Incidence of premarital pregnancies**

There is a very high incidence of pregnancy marriages in the study (57.0%,  $N = 342$ ). The distribution has a relatively normal distribution (Skewness: .283) although its items tend to cluster around distribution points at the higher end of the distribution (Kurtosis: -1.926).



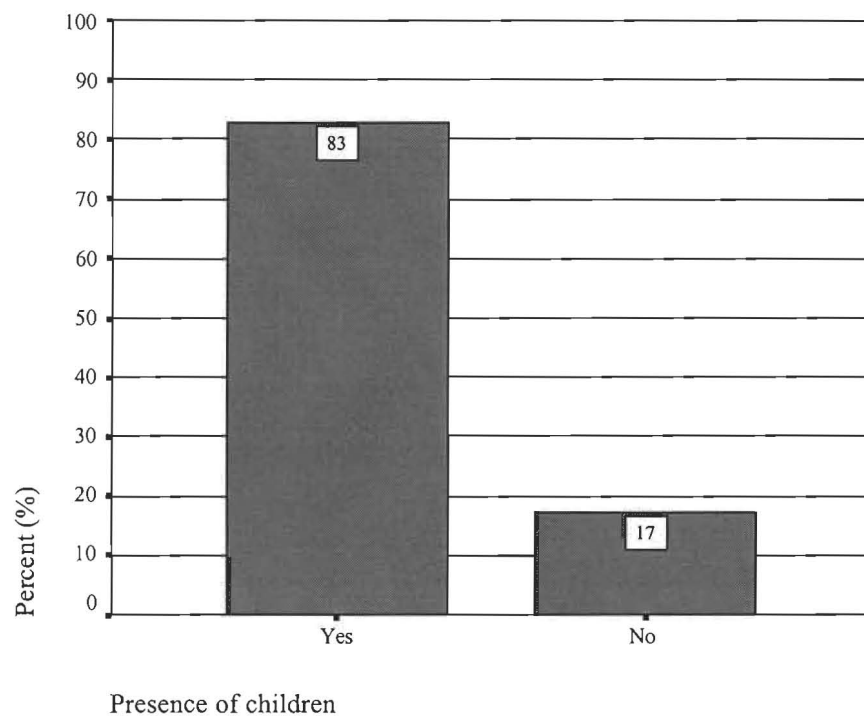
### 4.5.3 *Presence of a convert*



**Figure 34: Incidence of religious converts**

With the assumption that there are no double convert unions in the study, the total incidence of convert marriages is 52.7 percent ( $N = 316$ ). The high rate could be attributed to the disenfranchising of spouses of converts within community structures. At the time of the marital conflict, they then lack the resources and confidence to follow the recommended course of action and employ the proper religious channels to address the issues at hand.

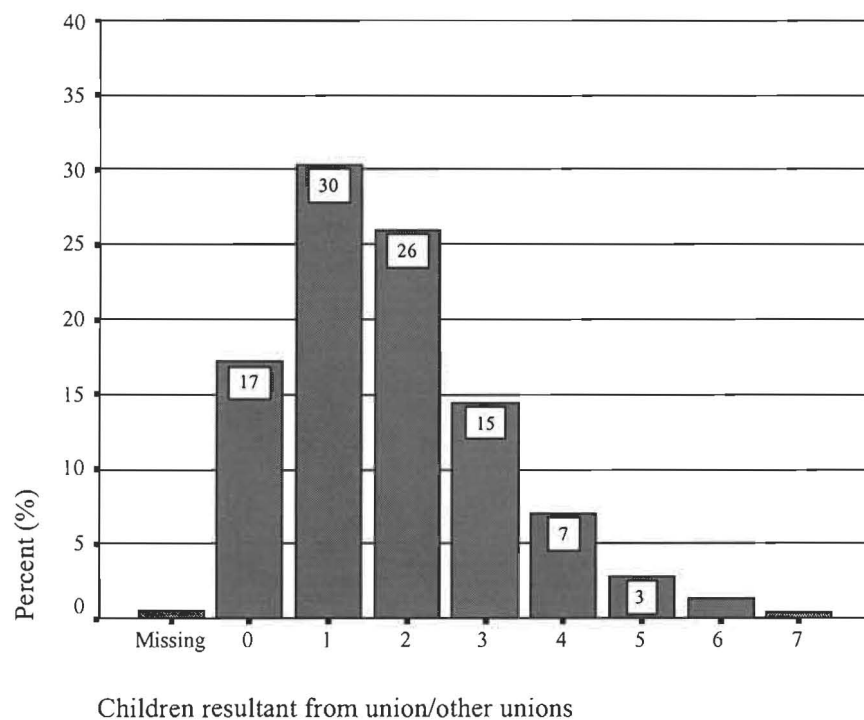
#### 4.5.4 *Presence of children*



**Figure 35: Incidence of children**

There is a very high presence of children in the marriages in the study (82.8%,  $N = 497$ ). The distribution has a relatively skewed distribution (Skewness: 1.746) and its items tend to cluster around distribution points at the lower end of the distribution (Kurtosis: 1.051).

#### 4.5.5 *Number of children*

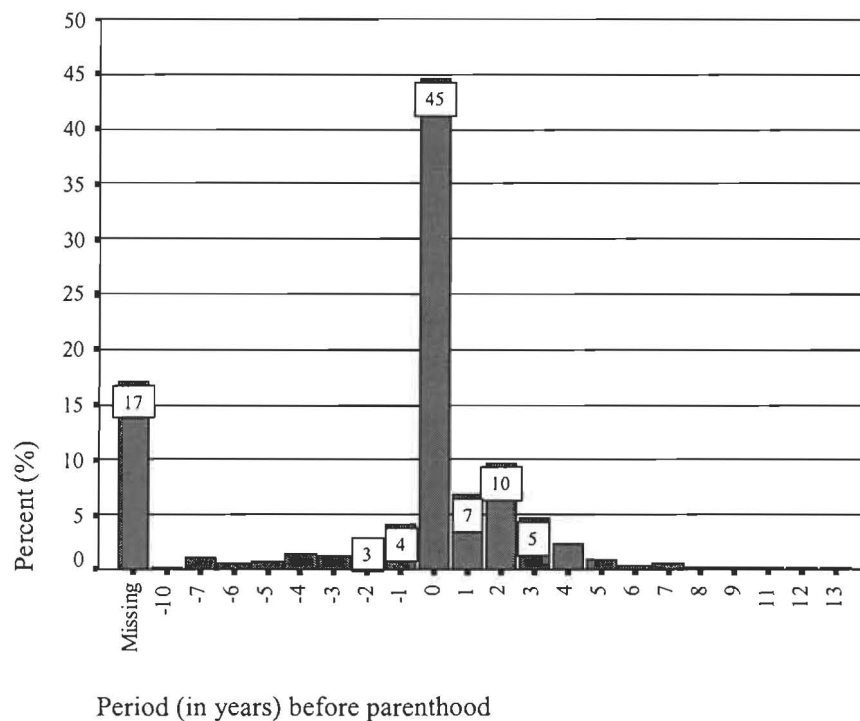


**Figure 36: Number of children**

The average number of children per marriage in this sample is 1.79 (Standard Deviation: 1.392) and ranges from 0 to 7 children.

The dominant category (30.3%, N = 182) is the one-child marriages. Two children in the marriages (26.0%, N = 156) follows in second place, with no children (17.0%, N = 103) in third place.

#### 4.5.6 *Waiting period after marriage before the onset of parenthood*

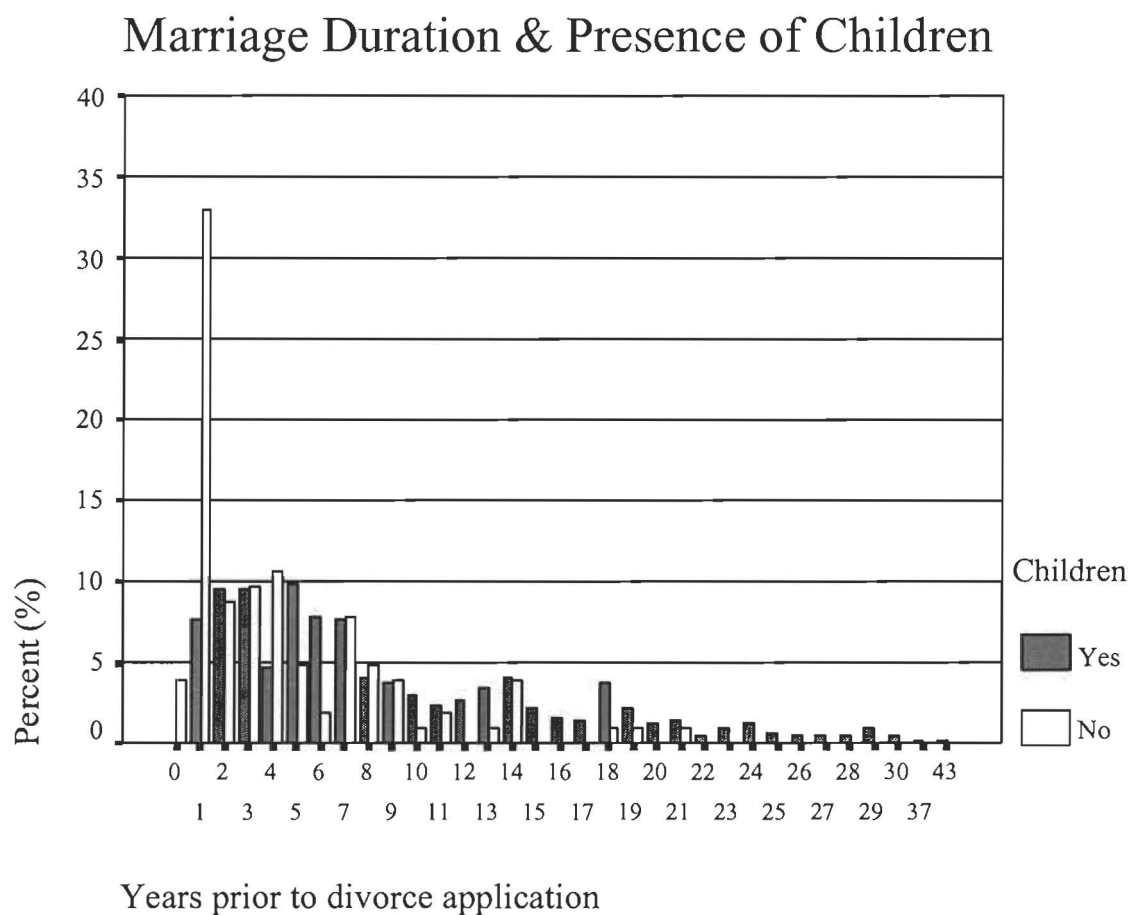


**Figure 37: Duration (in years) before parenthood**

The mean waiting period for couples before conceiving a child in relation to their date of marriage is 0.39 years (Standard Deviation: 2.268). There is a large clustering effect around the mean (Kurtosis: 6.611, error: .219) and the periods vary from ten years before, to 13 years after the marriage. Seventy-three (12.3%) of the couples with children had them before they got married. Three hundred and ninety-four (79.2%) of the couples had their children within the first two years of marriage. Apart from the pregnancy marriages, there are only 40 further cases where the couple had a child immediately (within the first year).

#### 4.5.7 *Inter-relationships between the various marriage items*

##### 4.5.7.1 *The relationship between the duration before onset of the divorce procedure and the presence of children*



**Figure 38: Duration (in years) of marriages and the presence of children**

The presence of children in the marriages of the study is concentrated mostly around those that break up in the second year (9.5%,  $N = 47$ ), third year (9.5%,  $N = 47$ ) and the fifth year (9.9%,  $N = 49$ ). The divorce group that does not have children is clustered in marriages that end in the first year (33.0%,  $N = 34$ ). A Chi-square analysis test revealed a significant difference between the duration before onset of the divorce procedure and the presence of children ( $\chi^2 = 99.227$ ,  $df = 32$ ,  $p < 0.01$ ).

4.5.7.2     *The relationship between the duration before onset of the divorce procedure and the number of children in the marriage<sup>27</sup>*

The number of children in the marriages of the study peaks at one child (30.5%, N = 182) in the second year (21.4%). This is followed by two children (26.1%, N = 156) in the seventh year (14.1%). A Chi-square analysis test revealed a significant difference between the duration before onset of the divorce procedure and the number of children ( $\chi^2 = 1163.983$ , df = 224,  $p < 0.01$ ).

4.5.7.3     *The relationship between the duration before onset of the divorce procedure and a marriage by pregnancy*

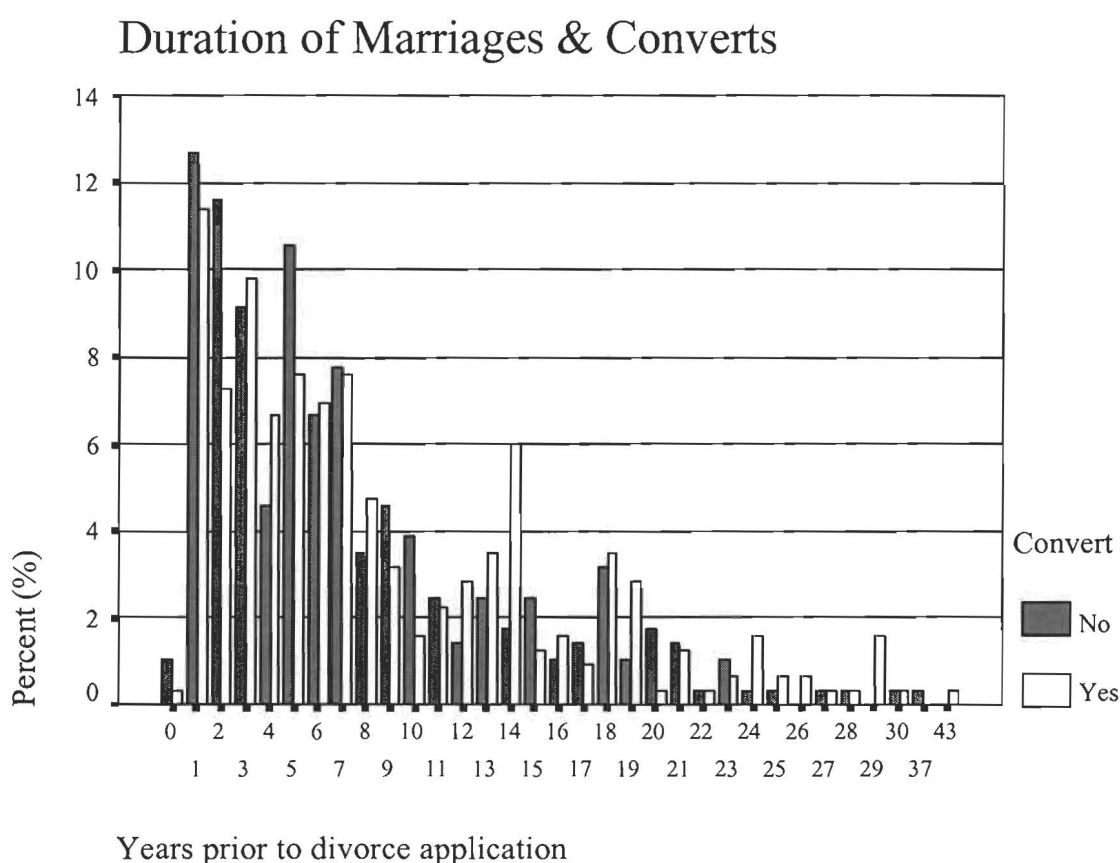


**Figure 39: Duration of marriages and premarital pregnancies**

<sup>27</sup> See the data table in Appendix Two.

The number of pregnancies in the marriages of the study is calculated at 342 (57%) and their divorces peak in the first (11%) and second years (11%). A Chi-square analysis test did not reveal a significant difference between the duration before onset of the divorce procedure and marriages by pregnancy ( $\chi^2 = 29.423$ ,  $df = 32$ ,  $p = .598$ ).

#### 4.5.7.4 *The relationship between the duration before onset of the divorce procedure and the presence of a convert*



**Figure 40: Duration of marriages and the presence of a convert**

The number of converts in the marriages of the study is calculated at 284 (52.7%) and their divorces peak in the first year (11.4%). A Chi-square analysis test did not reveal a significant difference between the duration before onset of the divorce procedure and marriages by pregnancy ( $\chi^2 = 38.631$ ,  $df = 32$ ,  $p = .195$ ).

#### 4.5.7.5 *The relationship between the presence of children and converts*

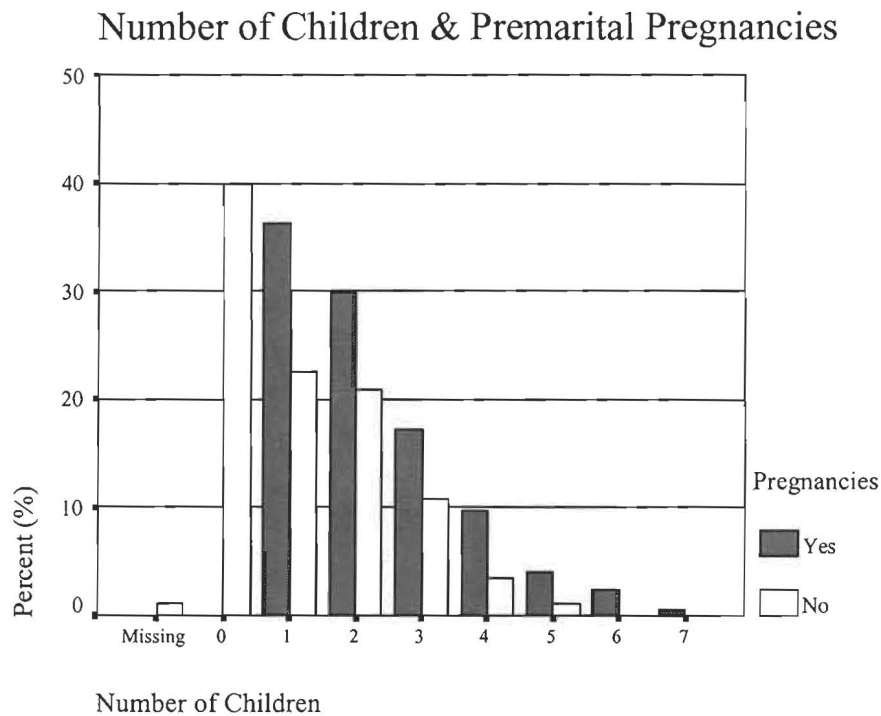


**Figure 41: Presence of children and the presence of a convert**

The presence of children in convert marriages in the study is 53.3 percent and childless convert marriages represent 49.5 percent of this category. A Chi-square analysis test revealed a significant difference between the presence of children and the presence of a convert ( $\chi^2 = 164.831$ ,  $df = 1$ ,  $p < .01$ ).



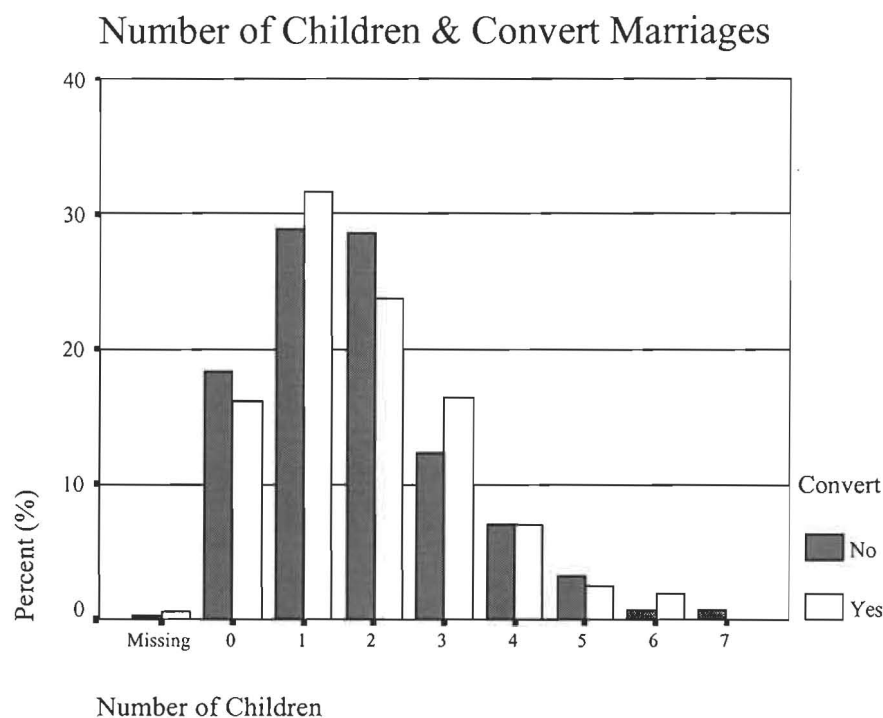
#### 4.5.7.6 *The relationship between the number of children and a marriage by pregnancy*



**Figure 42: Number of children and a marriage by pregnancy**

Three hundred and forty-two (57.3%) of the children born in this study were born from pregnancy marriages. They peak at one child (36.3%) and two children (29.8%). A Chi-square analysis test revealed a significant difference between the number of children and a marriage by pregnancy ( $\chi^2 = 174.611$ ,  $df = 7$ ,  $p < .01$ ).

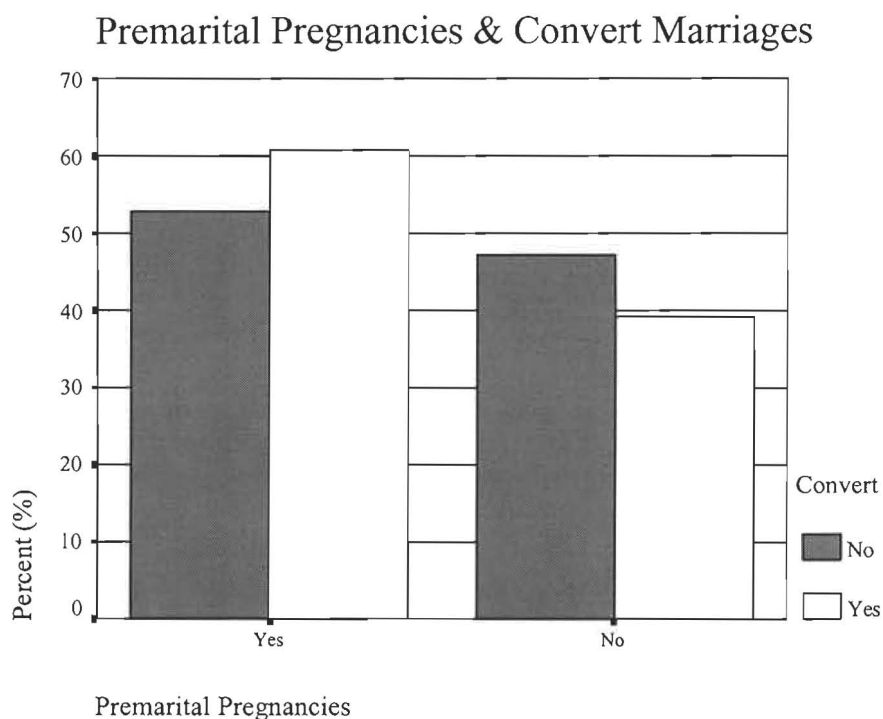
#### 4.5.7.7 *The relationship between the number of children and converts*



**Figure 43: Number of children and the presence of a convert**

Three hundred and fourteen (52.6%) of the children born in this study were born from convert marriages. In the one-child category, 31.8 percent comes from convert marriages and 29.0 percent comes from non-convert marriages. This trend changes in the two-child category where only 23.9 percent comes from the convert marriages and 28.6 percent comes from the non-convert marriages. A Chi-square analysis test, however, did not reveal a significant difference between the number of children and the presence of a convert ( $\chi^2 = 7.908$ ,  $df = 7$ ,  $p = .341$ ).

#### 4.5.7.8 *The relationship between a marriage by pregnancy and converts*



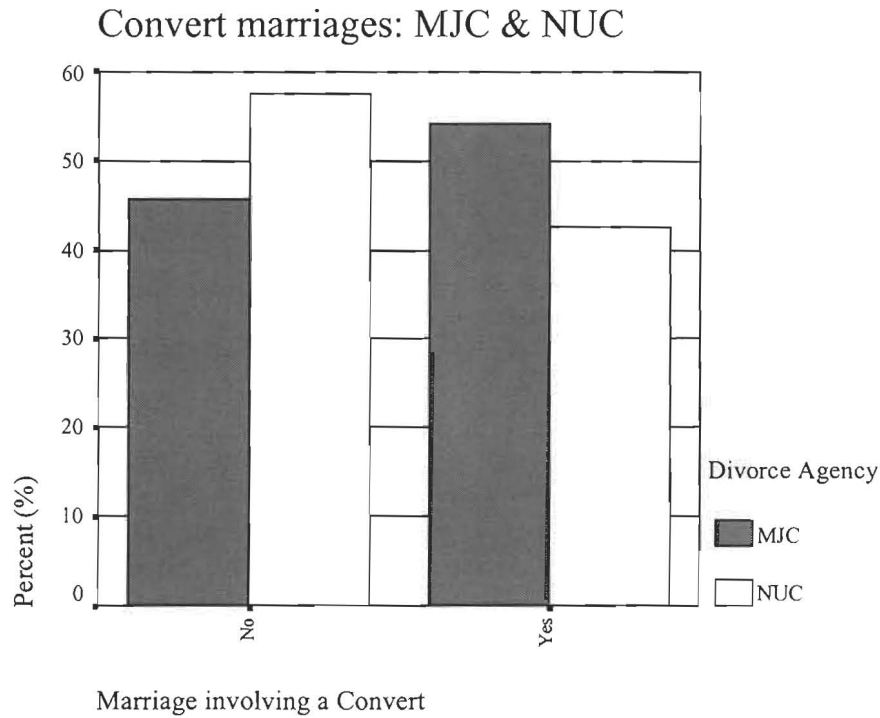
**Figure 44: Premarital pregnancies and the presence of a convert**

Sixty point eight percent of all pregnancy marriages involve a convert and 56.1 percent of the marriages that have converts were initiated on a pregnancy. A Chi-square analysis test only revealed a significant difference between the number of children and the presence of a convert on an alpha level ( $\chi^2 = 3.850$ ,  $df = 1$ ,  $p = .050$ ).

#### 4.5.8 *Comparisons between the MJC and the NUC*

According to the test of variance on all the respondent's data by the two divorce agencies, no significant differences among the data emerged.

#### 4.5.8.1 *The MJC and the NUC and the presence of a convert*



**Figure 45: Presence of converts at the MJC and the NUC**

The average number of convert marriages at the MJC is 54.2 percent and at the NUC is 42.5 percent. The difference of 11.7 percent between the two divorce agencies is significant on the alpha level but not at the required level of significance ( $p = 0.050$ ).

## 4.6 **The divorce**<sup>28</sup>

As a first step in understanding the divorces of the participants of this study, eight primary items of divorce will be examined for frequency distribution characteristics such as the mean, range and type of distribution:

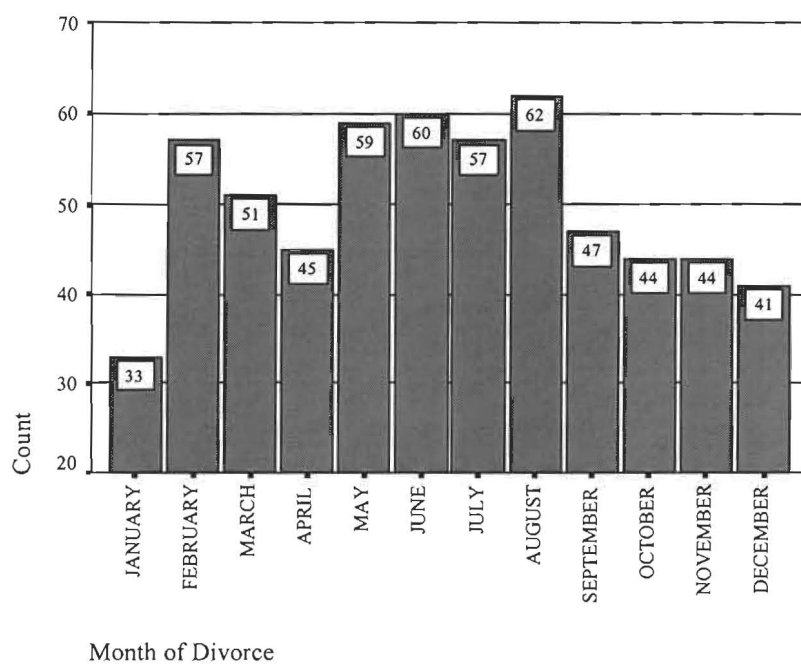
- (a) separation of spouses before divorce application (occurrence and frequency),
- (b) duration (in months) of the divorce process,
- (c) number of consultations,

- (d) presence of both spouses at the divorce proceedings,
- (e) official status of the divorce,
- (f) first stated reasons for divorce,
- (g) second stated reasons for divorce, and
- (h) divorce catalyst – event vs. life-style.

The second step would be to examine the relationships between the items which will then be examined through cross-tabulations and any differences will be tested for significance. The last step would be to look at the divorce data in the following three ways to examine any trends that might emerge:

- (a) between the two divorce agencies,
- (b) across the six years of the study, and
- (c) between the applicant and respondent.

#### 4.6.1 *Annual breakdown by month*

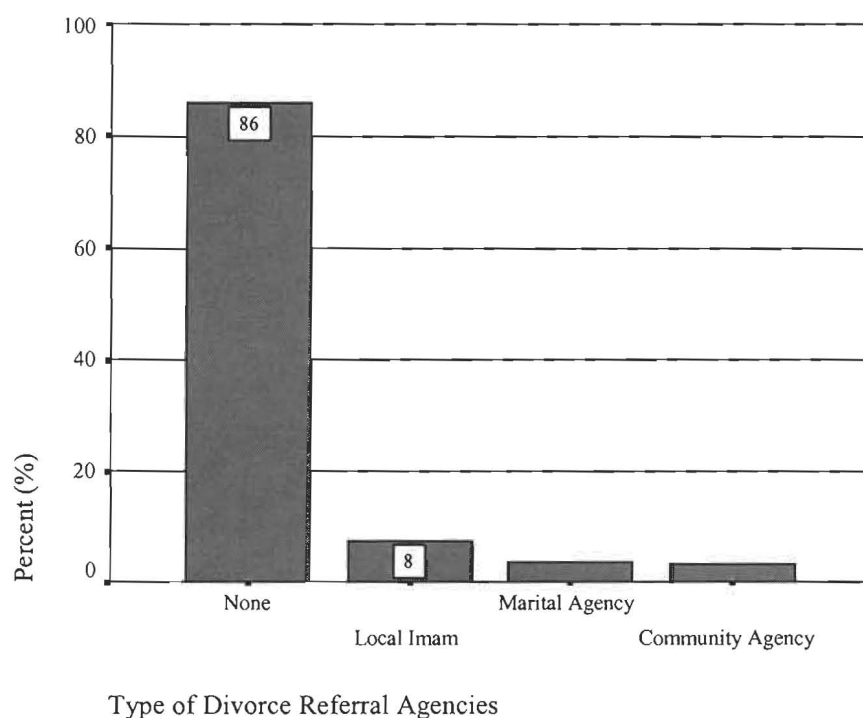


**Figure 46: Annual breakdown (by month) of divorces**

<sup>28</sup> See Appendix Two for all the data tables referred to in the section.

Divorce applications peaked during the end of the winter months (62 successful applications in August) and reach a low in January with 33 successful divorce applications. This trend is due to practical factors. The MJC and the NUC offices close annually towards the end of December and only reopen late in January. In addition, for the last couple of years, the Month of Ramadan – a sacred month where most of the Muslim organisational structures operate at a slower pace – has moved through January and December.<sup>29</sup> The high rate for February is therefore a compensation for the small number of days in January. The rate thereafter increases as the divorce mechanisms gain momentum.

#### 4.6.2 Referral agencies



**Figure 47: Divorce referral agencies**

The referral agency distribution is dominated by the ‘none’ category (85.8%). This is

<sup>29</sup> The lunar year moves approximately 10 to 12 days earlier every year.

followed by the ‘local imam’ category (7.5%), ‘marital agencies’ (3.5%), and lastly, the ‘community agency’ (3.2%).

This positively skewed distribution has a skewness statistic of 2.990 (error = .100) and a kurtosis of 8.326 (error = .199).

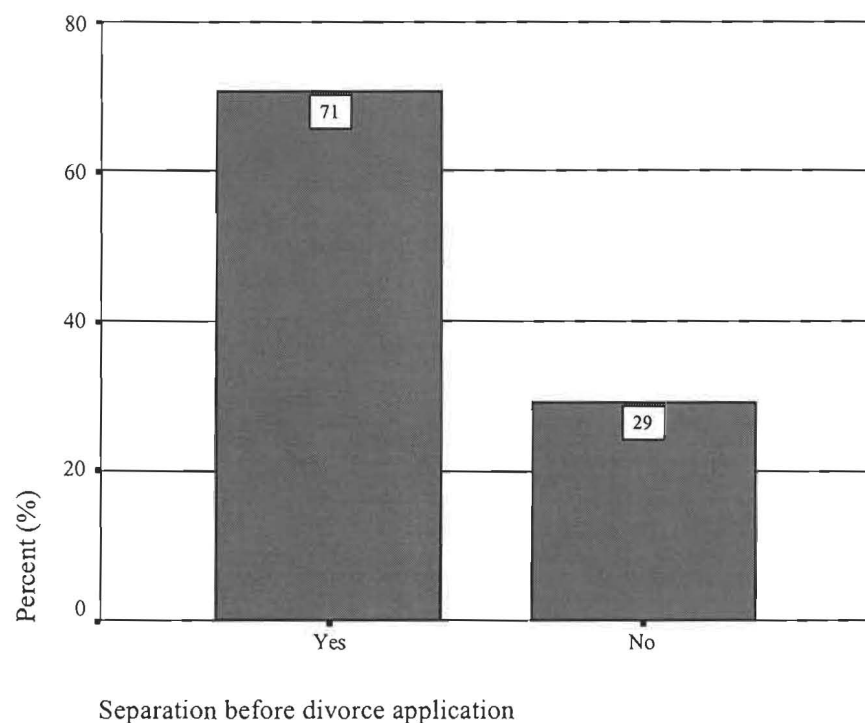
The most important statistic in this item is the ‘none’ category with 85.8 percent of the applicants of this study not seeking intermediary support structures to assist them during their marital crises before applying for their divorce.

When the applicants are further broken down into gender, male applicants use the local imams more often than females while the females use the divorce and community agencies much more than males. A simple reason might be that men are more in contact with the imams at the local mosque than females.

**Table 11: Comparison of the applicant’s gender and utilisation of divorce referral agencies**

		Applicant’s Gender				Total	
		Male		Female		N	% within Sample
Divorce Referral Agency (type)	None	119 (23.1%)	83.2%	396 (76.9%)	86.7%	515	85.8%
	Local Imam	18 (40.0%)	12.6%	27 (60.0%)	5.9%	45	7.5%
	Marital Agency	1 (4.8%)	.7%	20 (95.2%)	4.4%	21	3.5%
	Community Agency	5 (26.3%)	3.5%	14 (73.7%)	3.1%	19	3.2%
	Agency						
	Total	143 (23.8%)	100.0%	457 (76.2%)	100.0%	600	100.0%

#### 4.6.3 *Trend and length of separation among distressed couples before the divorce application*

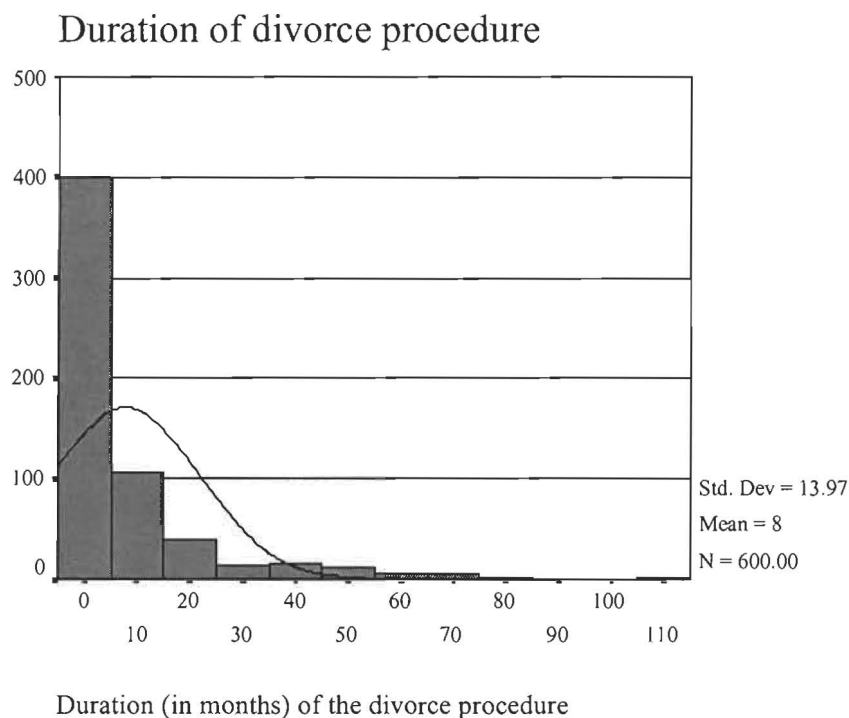


**Figure 48: Trend and length of separation among distressed couples before the divorce application**

Four hundred and twenty-five (70.9%) couples among the divorce population of the study were separated before their application for a divorce. Separated couples then tend to apply for divorce within the first year of separation. These applications peak in the first month (9.3%) and at yearly intervals. The majority of separated couples seek divorce within the first six months of their separation (N = 222, 37.0%).



#### 4.6.4 *Duration (in months) of the divorce process*

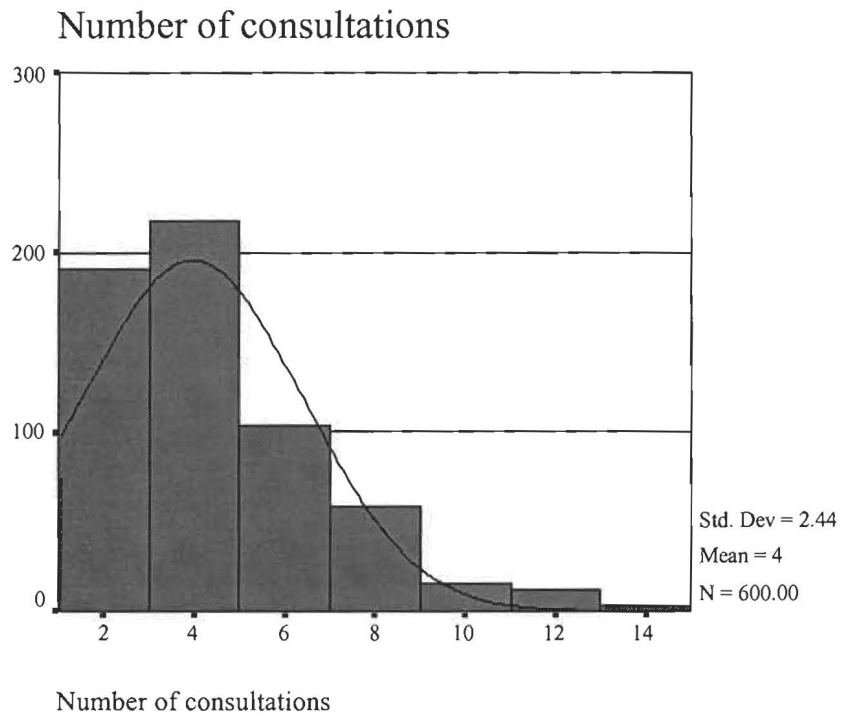


**Figure 49: Duration (in months) of the divorce process**

The average time of the divorce process is 7.79 months (Kurtosis: 12.581; Std. Error of Kurtosis: 0.199) and ranges from less than a month to 114 months (Standard Deviation: 13.967; Skewness: 2.218; Std. Error of Skewness: 0.100).

As seen above, the duration of the divorce process in the sample presents a significant positive skewness with a long right tail. The positive skewness statistic indicates that the duration distribution scale leans more to the shorter duration categories. The high positive kurtosis statistic indicates that the numbers of months cluster more around common numbers and there are more outliers towards the lower month ranges of the distribution.

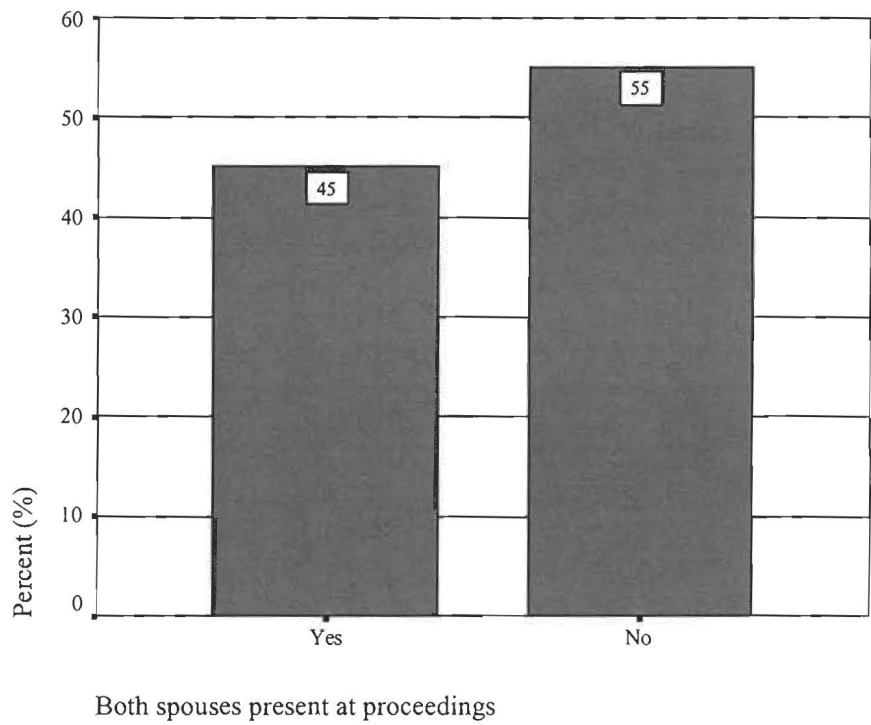
#### 4.6.5 *Number of consultations*



**Figure 50: Number of consultations**

The average number of consultations in this study is 3.97 (Standard Deviation: 2.444) and ranges from a single consultation to 14.

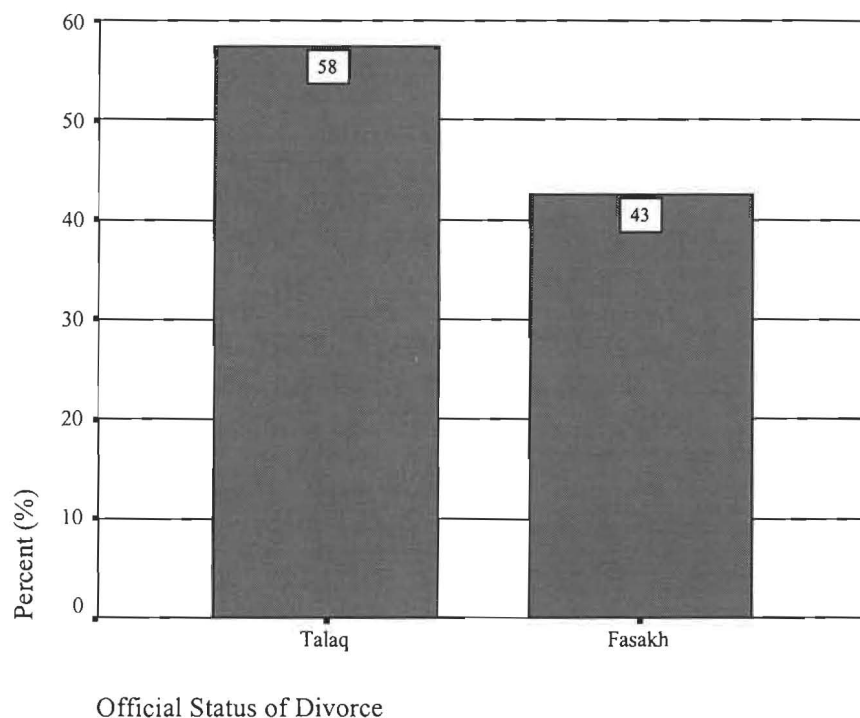
4.6.6      *Presence of both spouses at the divorce proceedings*



**Figure 51: Presence of both spouses at the divorce proceedings**

Three hundred and thirty (55.0%) spouses decided not to attend the divorce proceedings and of this number, 262 (79%) were males. This is a problematic statistic, as it does not show the stage of dissolution of the cases when they are referred to these structures, nor the level of disregard toward religious structures.

#### 4.6.7 *Official status of the divorce*



**Figure 52: Official status of the divorce**

Talaq divorces have a frequency of 345 (57.5%) while fasakh divorces constitute only 255 (42.5%) of the sample.

The total number of reversal divorces, that is, a female-initiated divorce that ends in a talaq or a male-initiated divorce that ends in a fasakh, is 232 (38.7%). Two hundred and seventeen (93.5%) are male reversal divorces and 15 (6.5%) are divorces initiated by a male and ended as fasakh divorces.

4.6.8 First stated reasons for divorce

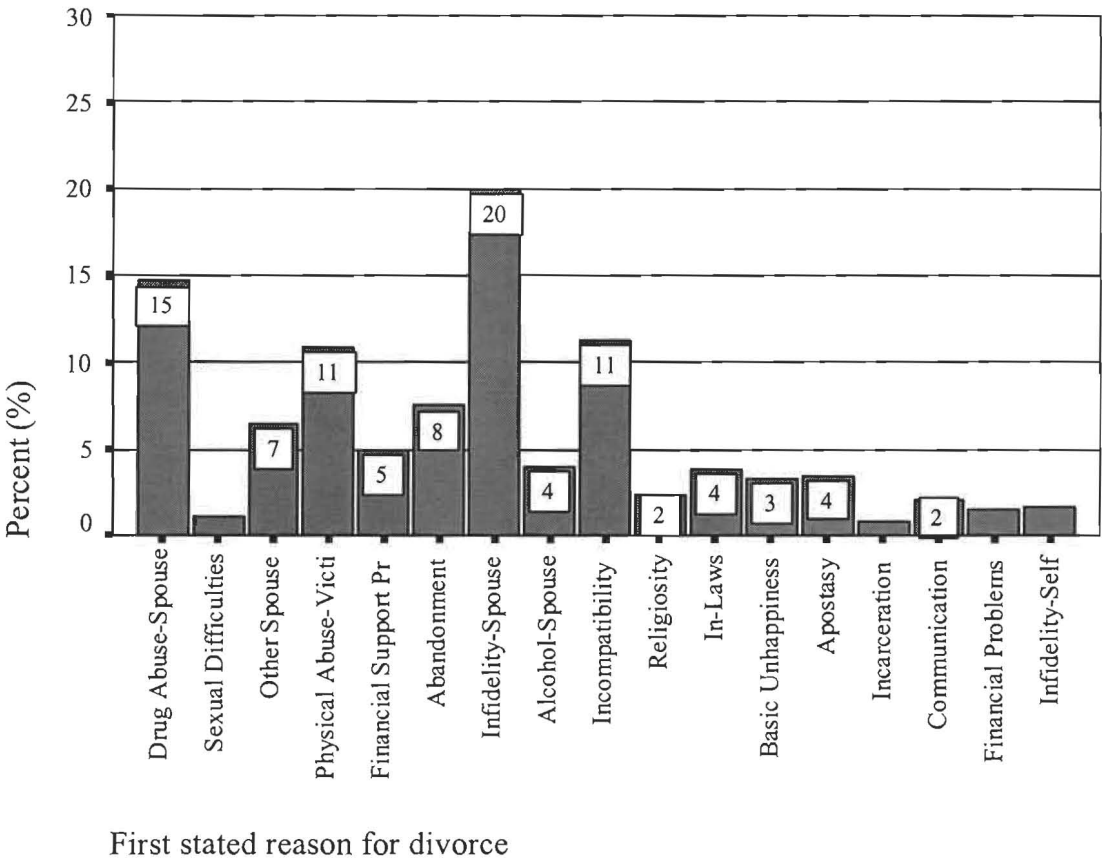


Figure 53: First stated reasons for divorce

The main reasons stated as an initial complaint are spousal infidelity (20 percent overall with a 79.2 percent to 20.8 percent female to male ratio), drug abuse (14.7 percent overall with a 92.0 percent to 8.0 percent female to male ratio), incompatibility (11.3 percent overall with a 54.4 percent to 45.6 percent female to male ratio) and physical abuse (10.8 percent overall with a 86.2 percent to 13.8 percent female to male ratio). All the other complaints are less than 10 percent. The only complaint that is gender representative is incompatibility with a percentage difference of only 8.8 percent between the genders.

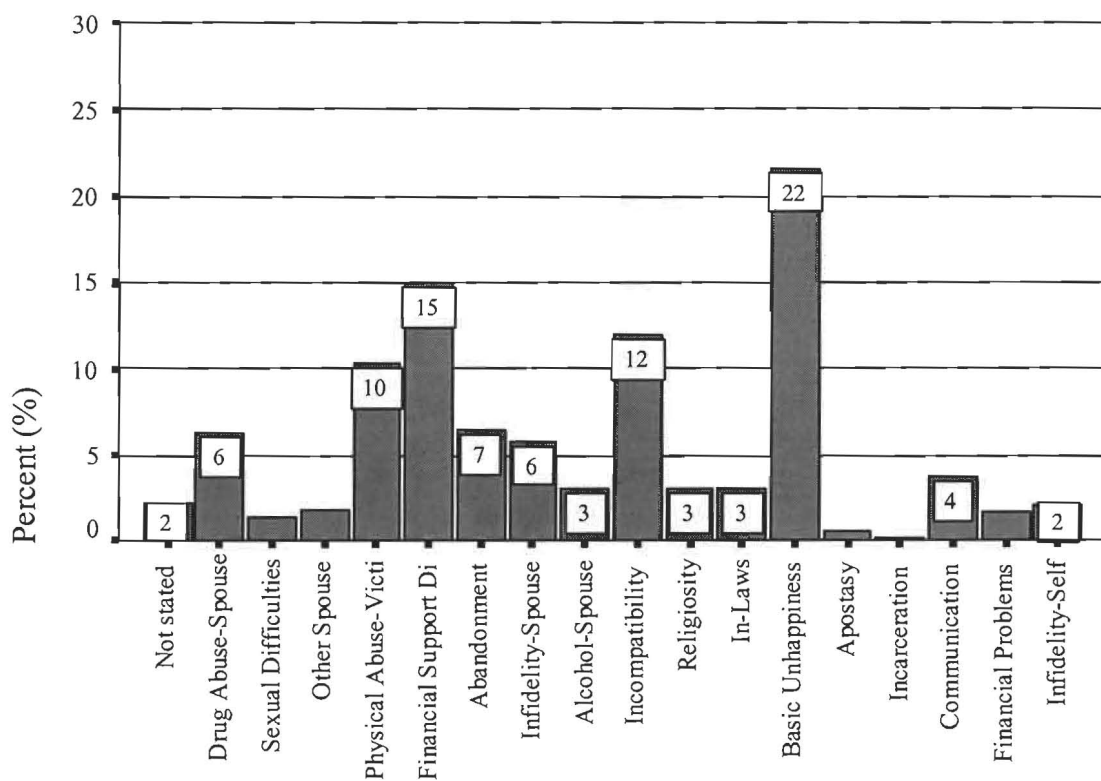
The following table depicts the percentage of how many times a reason for divorce was used

as an initial reason:

**Table 12: Percentage of frequency of divorce reasons used as first-stated reasons**

First-stated reason	% used as a first reason	First-stated reason	% used as a first reason
Drug abuse	69.8	In-laws	56.1
Sexual difficulties	46.6	Basic Unhappiness	13.3
Other spouse	78.0	Incompatibility	48.5
Physical Abuse	51.8	Apostasy	87.5
Financial support problems	25.0	Incarceration	83.3
Abandonment	53.5	Communication difficulties	35.2
Infidelity Spouse	77.4	Financial problems	47.3
Alcohol Abuse	57.1	Infidelity Self	45.4
Religiosity	43.7		

#### 4.6.9 Second stated reasons for divorce



Second stated reason for divorce

**Figure 54: Second stated reasons for divorce**

The main reasons stated as a secondary complaint are basic unhappiness (21.7 percent overall

with a 63.8 percent to 36.2 percent female to male ratio), financial support difficulties (15 percent overall with a 92.2 percent to 7.8 percent female to male ratio), incompatibility (12 percent overall with a 59.7 percent to 40.3 percent female to male ratio) and physical abuse (10.3 percent overall with a 95.2 percent to 4.8 percent female to male ratio). All the other complaints are less than 10 percent. The ‘basic unhappiness’ reason is the most cited reason in the second-stated reason category because it is the reason that is most difficult to counsel away. A tangible first-stated reason such as ‘infidelity of the spouse’ that is grounds for divorce in an Islamic Court, followed by a ‘I’m no longer happy’-reason, is a formidable combination to successfully get a divorce from a Shari’ah Court. The ‘financial support difficulties’ complaint, which is also grounds for divorce in an Islamic Court, is the second-most stated second reason.

#### 4.6.10 *The relationship between the first and second stated reasons for divorce*

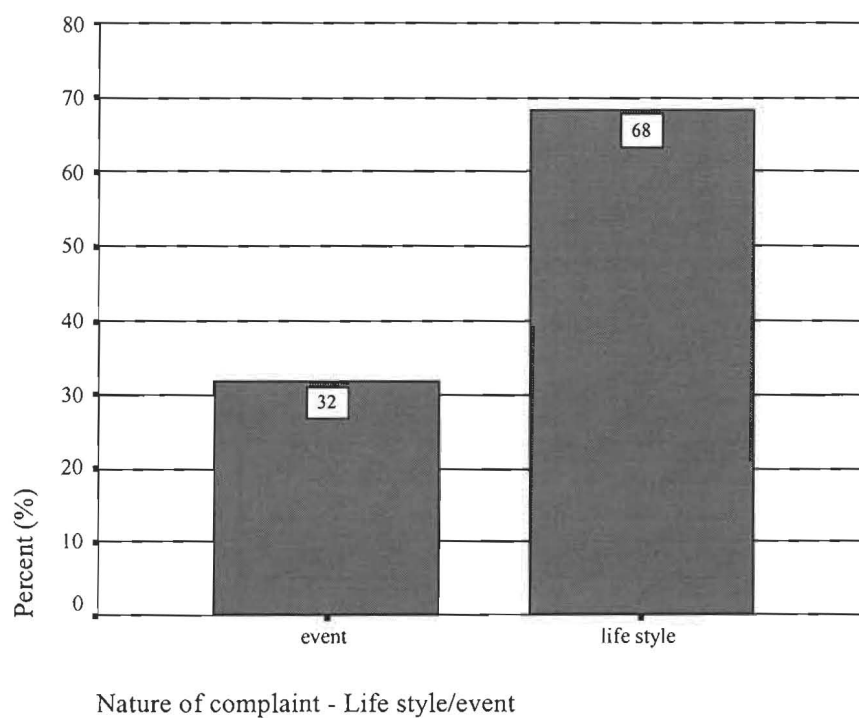
Here follow the first-stated reasons with their most frequently accompanied second reasons for divorce:

**Table 13: Relationship between the first and second-stated reasons for divorce**

First-stated reason	Accompanied second-stated reason		
	First	Second	Third
<b>Drug abuse</b>	Physical abuse (36.4%)	Financial support problems (27.3%)	Basic Unhappiness (10.3%)
<b>Sexual difficulties</b>	Basic Unhappiness (28.6%)	(not distinguishable)	(not distinguishable)
<b>Other spouse</b>	Basic Unhappiness (25.6%)	Financial support problems (23.1%)	Physical abuse (15.4%)
<b>Physical Abuse</b>	Basic Unhappiness (18.5%)	Drug abuse (16.9%)	Incompatibility (16.9%)
<b>Drug abuse</b>	Physical abuse (36.4%)	Financial support problems (27.3%)	Basic Unhappiness (10.3%)
<b>Financial support problems</b>	Financial support problems (16.7%)	Infidelity Spouse (16.7%)	Basic Unhappiness (13.3%)
<b>Abandonment</b>	Financial support problems (15.6%)	Infidelity Spouse (15.6%)	Basic Unhappiness (15.6%)
<b>Infidelity Spouse</b>	Basic Unhappiness	Financial support	Abandonment (11.7%)

	(33.3%)	problems (14.2%)	
<b>Alcohol Abuse</b>	Financial support problems (29.2%)	Infidelity Spouse (16.7%)	Incompatibility (12.5%)
<b>Incompatibility</b>	Basic Unhappiness (39.7%)	Financial support problems (11.8%)	Communication difficulties (7.4%)
<b>Religiosity</b>	Incompatibility (50.0%)	(not distinguishable)	(not distinguishable)
<b>In-laws</b>	Incompatibility (34.8%)	Basic Unhappiness (34.8%)	Physical abuse (8.9%)
<b>Basic Unhappiness</b>	Incompatibility (40.0%)	Communication difficulties (15.0%)	Physical abuse (10.0%)
<b>Apostasy</b>	Not stated (52.4%)	Abandonment (19.4%)	Financial support problems (9.5%)
<b>Incarceration</b>	Financial support problems (60.0%)	Abandonment (20.0%)	Drug abuse (20.0%)
<b>Communication difficulties</b>	Basic Unhappiness (41.7%)	Incompatibility (33.3%)	(not distinguishable)
<b>Financial problems</b>	Financial support problems (44.4%)	Incompatibility (22.2%)	(not distinguishable)
<b>Infidelity Self</b>	Basic Unhappiness (30.0%)	(not distinguishable)	(not distinguishable)

#### 4.6.11 Divorce catalyst – event vs. life-style



**Figure 55: Divorce catalyst – event vs. life-style**

Sixty-eight percent of the study reported that their decision to apply for a divorce is due to



their partners' life-style and not due to a one-off event. This statistic is contrary to popular convention that believes that couples 'pack up and go' at the first sign of marital conflict.

#### 4.6.12 Demographic trends of applicants at the MJC and the NUC

According to the test of variance on all the couples in the study's divorce data by the two divorce agencies, several significant differences between the two agencies emerged.

##### 4.6.12.1 The MJC and the NUC and the trend and length of separation among distressed couples before the divorce application

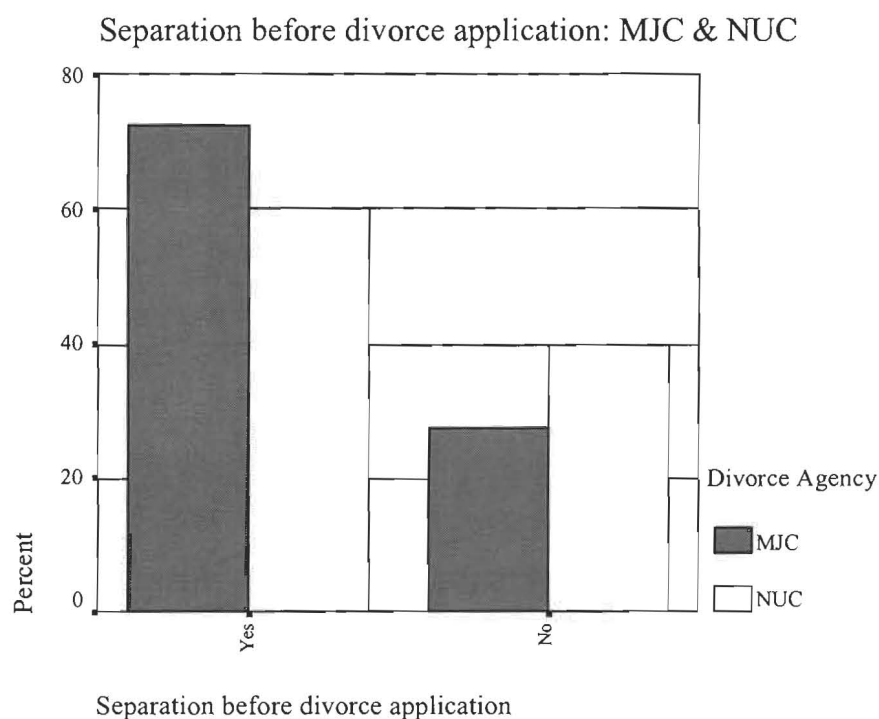
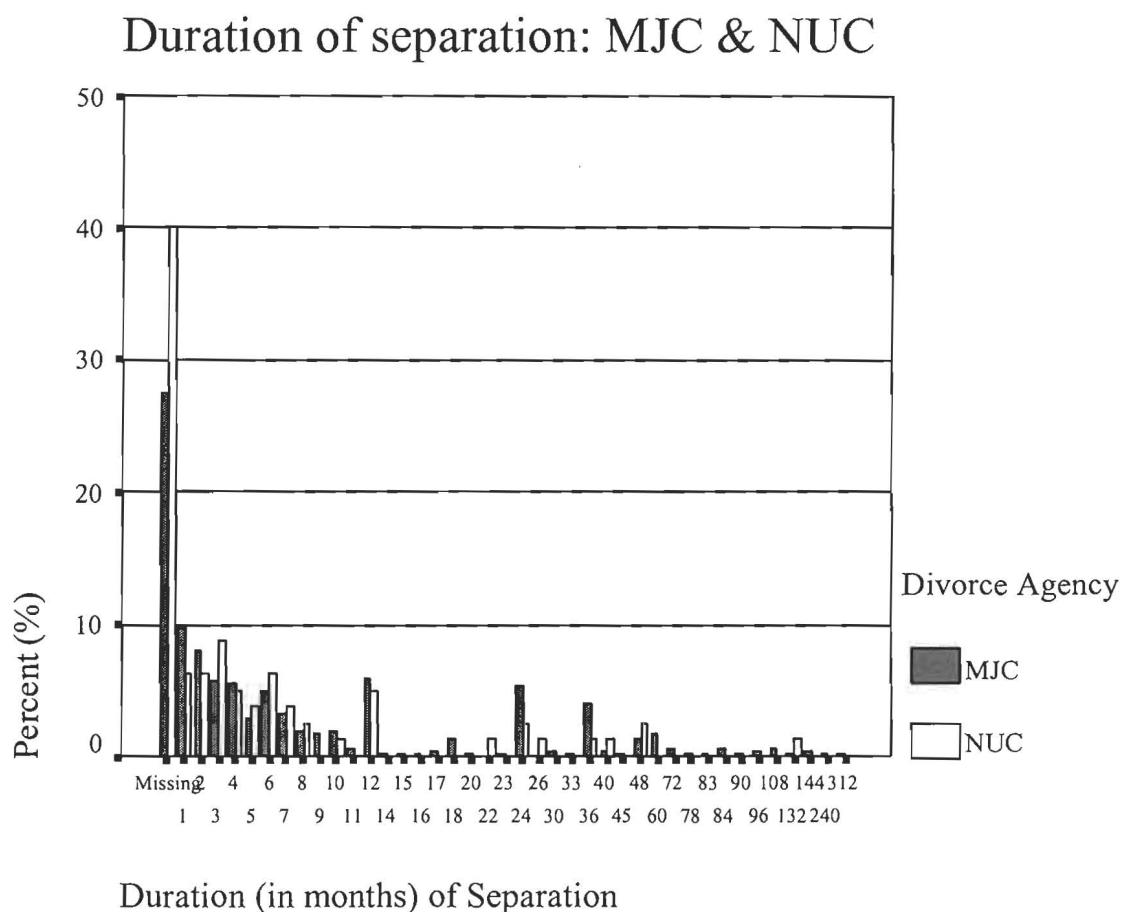


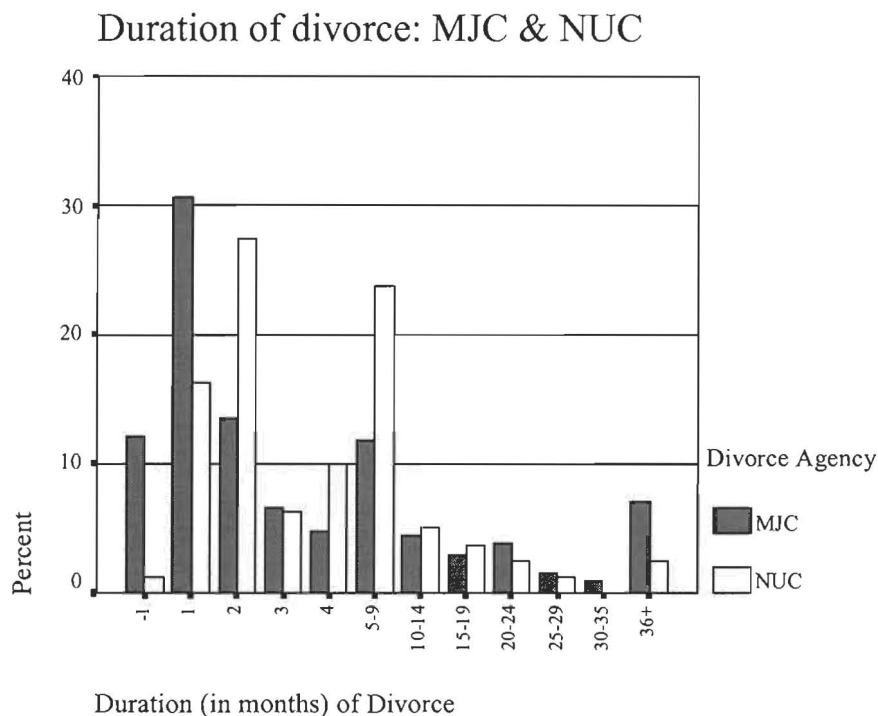
Figure 56: Trend of separation prior to divorce at the MJC and the NUC



**Figure 57: Duration (in months) of separation prior to divorce at the MJC and the NUC**

The trend of separation before the divorce application is more prominent among the MJC couples with 72.5 percent against the 58.8 percent of the NUC couples. The mean difference, however, between the two groups is only significant on an alpha level ( $t = -2.137$ ,  $df = 99.999$ ,  $p = .037$ ). The period-length of separation between the groups of the two agencies does not differ significantly.

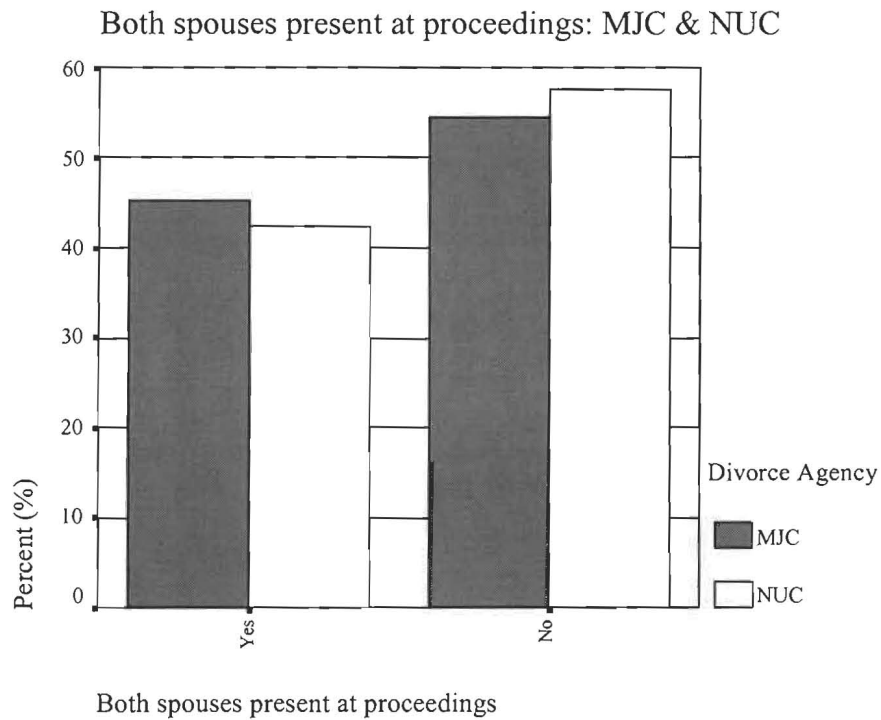
#### 4.6.12.2 The MJC and the NUC and the duration (in months) of the divorce process



**Figure 58: Duration of divorce process at the MJC and the NUC**

Both distributions are greatly skewed and subjected to the influence of big outliers. This makes the calculation of the mean for both groups problematic. The MJC group has a mean of 8.02 months (Standard Deviation = 14.501), while at the NUC, the mean is 6.29 months (Standard Deviation = 9.745). The modes of both distributions remain 1. The difference between the two groups is not significant.

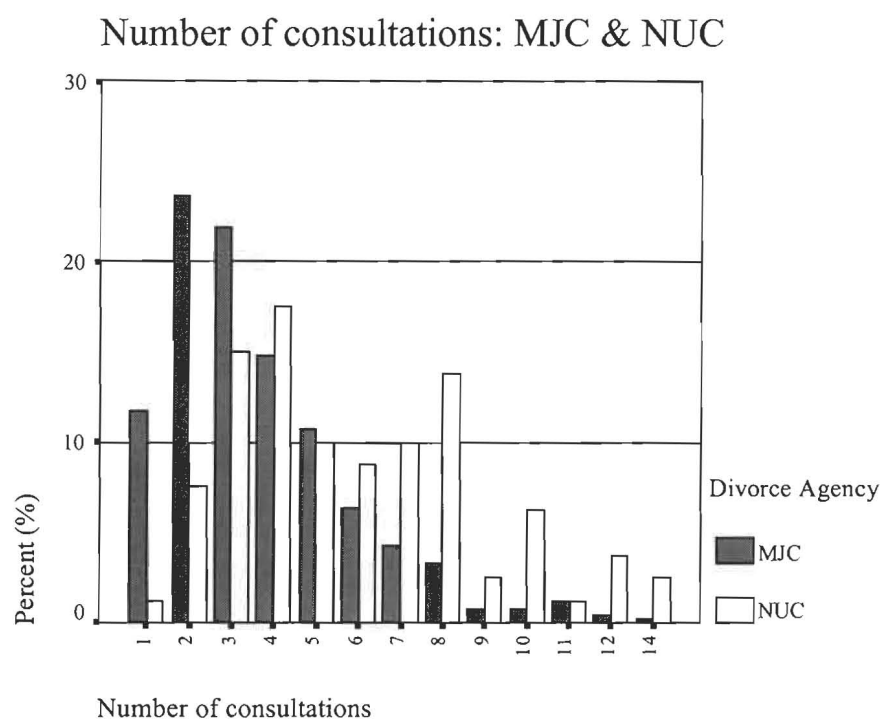
#### 4.6.12.3 *The MJC and the NUC: The presence of both spouses at divorce proceedings*



**Figure 59:** presence of both spouses at the divorce proceedings at the MJC and the NUC

The level of attendance is the same with that of the MJC (45.4%) slightly higher than the NUC (42.5%). Both agencies, however, experience similar negative attendance trends from the respondent.

#### 4.6.12.4 *The MJC and the NUC: The number of consultations at the divorce proceedings*



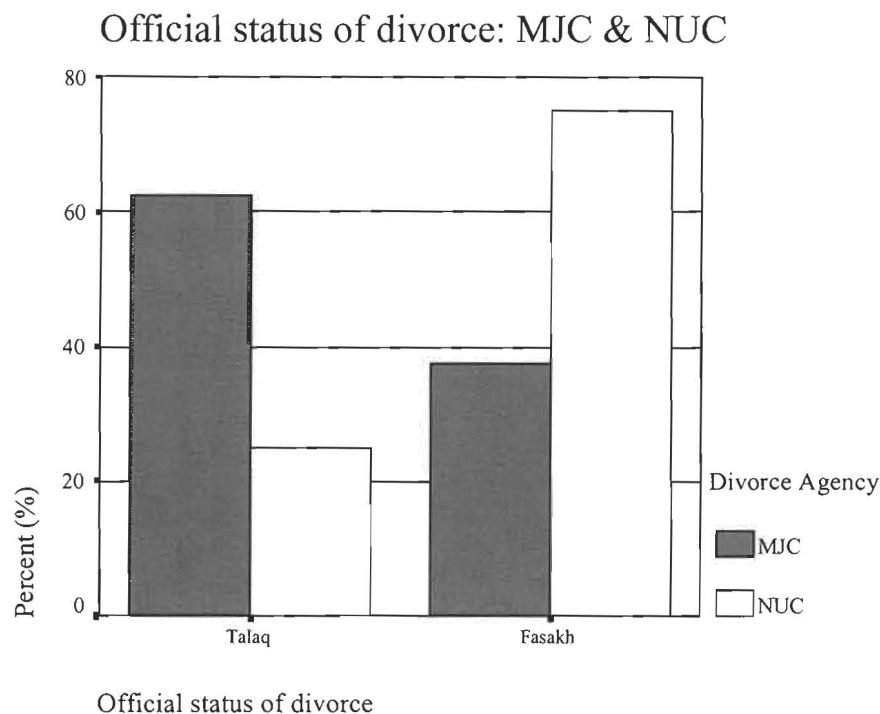
**Figure 60: number of consultations at the divorce proceedings at the MJC and the NUC**

The average number of consultations at the MJC is 3.67 meetings (Skewness: 1.312, error: 0.107; Kurtosis: 2.111, error: 0.214). The MJC sample peaks at two and three consultations.

The average number of consultations at the NUC is 5.93 meetings (Skewness: 0.719, error: 0.269; Kurtosis: 0.002, error: 0.532). The NUC sample peaks at three and four consultations.

The MJC distribution trend is positively skewed with a high concentration on the lower-end categories while the distribution trend of the NUC resembles a normal distribution. The mean difference is significant ( $t = -6511$ ,  $df = 92.710$ ,  $p < .01$ ).

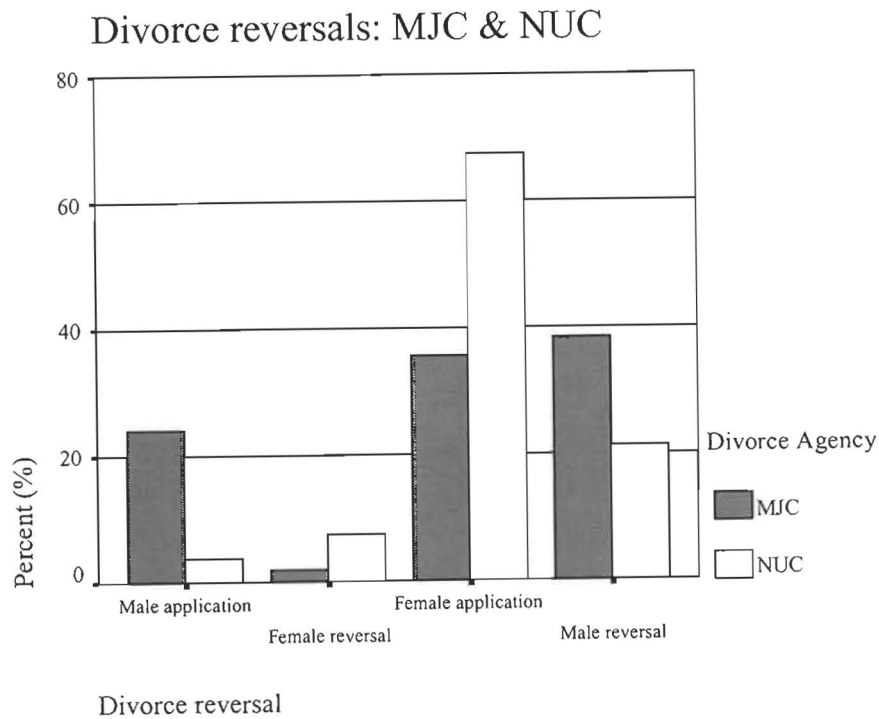
#### 4.6.12.5 *The MJC and the NUC and the official status of the divorce*



**Figure 61: Official status of the divorce at the MJC and the NUC**

This trend represents the biggest difference between the MJC and the NUC. At the NUC, with an applicant gender ratio of 89 percent female to 11 percent male, the ratio of the type of divorces granted, 75 percent fasakhs to 25 percent talaqs, is logical and understandable. The contrary is true at the MJC where, on the one hand, the applicant gender ratio of 74 percent female to 26 percent male is more representative. This is overturned by the ratio of the type of divorces granted, namely, 38 percent fasakhs to 63 percent talaqs. This can be partially explained by the higher number of male respondents in the MJC sample. This does not explain the phenomenon completely, but this topic has been touched on in several sections in this thesis.

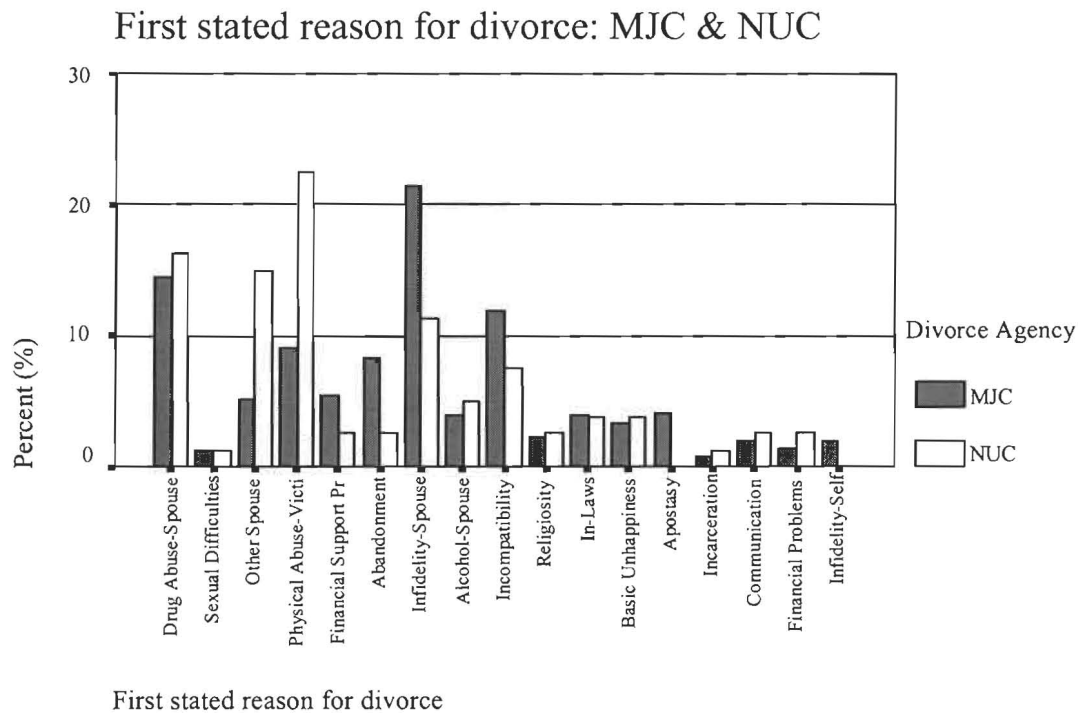
#### 4.6.12.6 *The MJC and the NUC and the divorce reversal*



**Figure 62: Divorce reversal (by gender) at the MJC and the NUC**

This item is connected to the previous one. The difference between the two agencies is only significant on an alpha-level ( $t = 2.070$ ,  $df = 109.213$ ,  $p = .041$ ).

#### 4.6.12.7 The MJC and the NUC and the first stated reasons for divorce

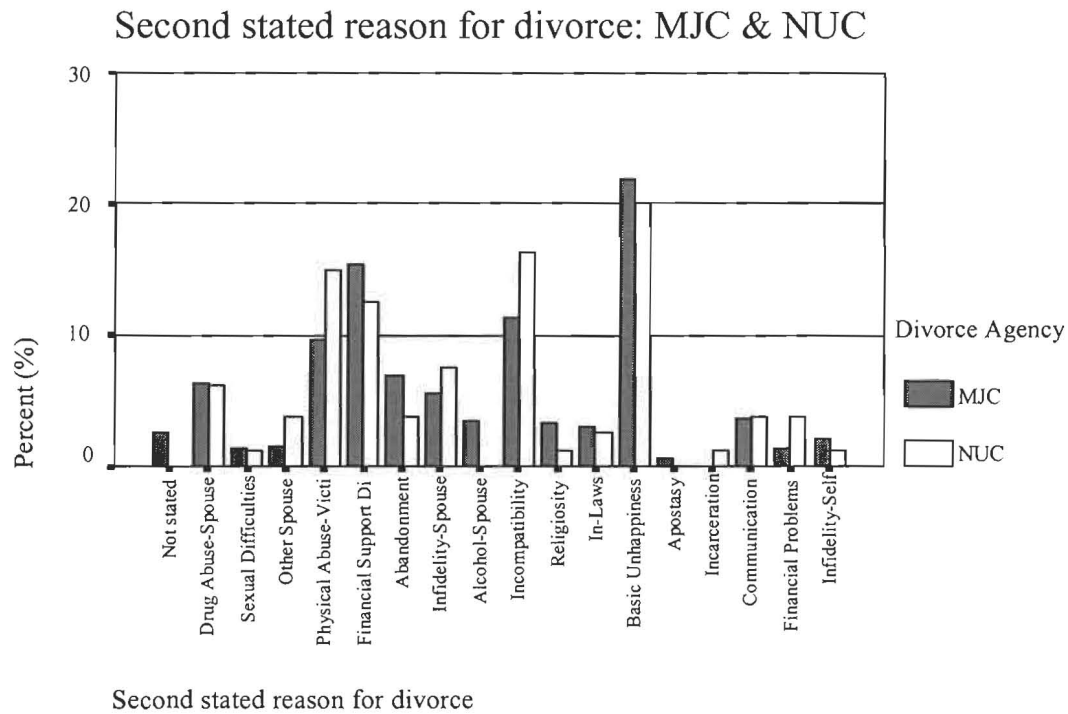


**Figure 63: First stated reasons for divorce at the MJC and the NUC**

The three most quoted initial reasons for the NUC applicants are ‘Physical Abuse’ (22.5%), ‘Drug Abuse’ (16.3%) and ‘Other Spouse’ (15.0%), while at the MJC, it is ‘Infidelity’ (21.3) ‘Drug Abuse’ (14.4%) and ‘Incompatibility’ (11.9%). The mean difference between the two groups is only significant on an alpha level ( $t = 2.309$ ,  $df = 598$ ,  $p = .021$ ).



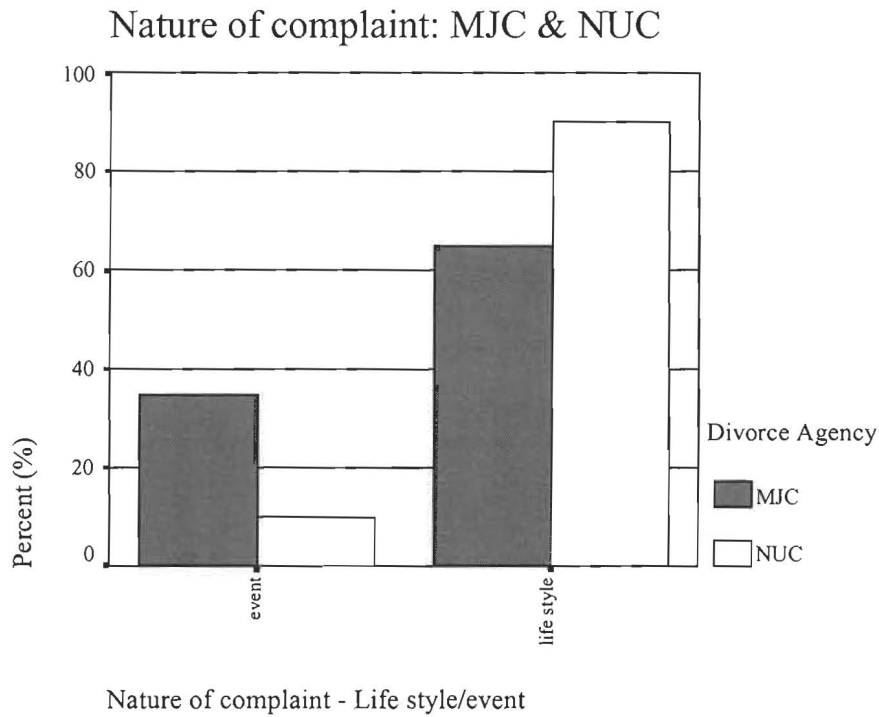
#### 4.6.12.8 The MJC and the NUC and the second stated reasons for divorce



**Figure 64: Second stated reasons for divorce at the MJC and the NUC**

The three most quoted secondary reasons for the NUC applicants are ‘Basic Unhappiness’ (20.0%), ‘Incompatibility’ (16.3%) and ‘Physical Abuse’ (15.0%), while at the MJC, it is ‘Basic Unhappiness’ (21.9) ‘Financial Support Difficulties’ (15.4%) and ‘Incompatibility’ (11.3%). There is no statistical difference between the two agencies.

#### 4.6.12.9 The MJC and the NUC and the divorce catalyst – event vs. life-style

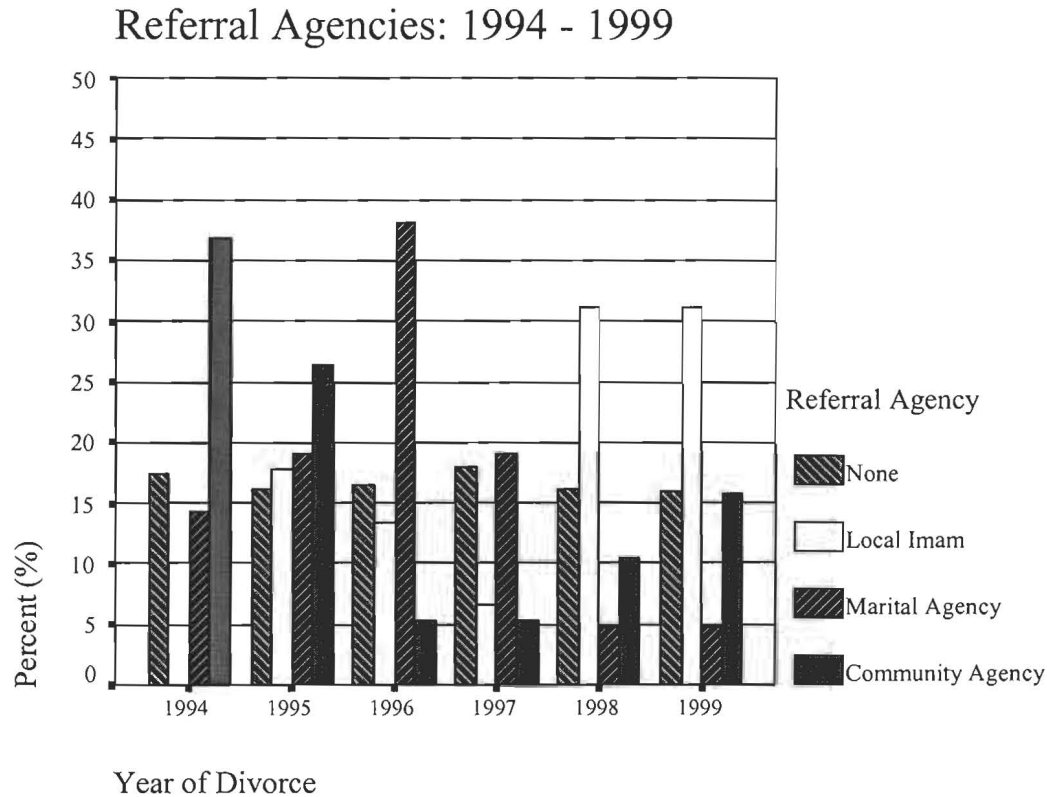


**Figure 65: Trend of divorce catalyst – event vs. life-style at the MJC and the NUC**

As discussed in the previous section, with the higher ratio of female applicants at the NUC, it is not surprising that the life style category is higher than at the MJC that has a more gender representative sample. Society requires the wife to ‘have patience’ and endure repeated transgressions of the husband. Husbands, on the other hand, are not required to do this.

#### 4.6.13 Six-year trend

##### 4.6.13.1 The referral agencies used from 1994 to 1999



**Figure 66: The referral agencies used from 1994 to 1999**

Although the 'none' category dominates this item over the entire period of this study and peaked in 1996 with 92 percent, the 'local imam' category has been on the rise from zero percent in 1994 to more than 30 percent in 1999. The mean difference between the two groups is significant ( $\chi^2 = 41.488$ ,  $df = 15$ ,  $p < .000$ ).

**4.6.13.2 The trend and length of separation among distressed couples before the divorce application from 1994 to 1999**



**Figure 67: Trend of separation before divorce from 1994 to 1999**

The trend of separation of couples before the divorce application peaks at 81 in 1995 and averages at 70.8 across the six years. The mean difference between the six years is significant ( $\chi^2 = 15.723$ ,  $df = 5$ ,  $p = .008$ ). The length of separation is not significant and clusters around the one-month period, except for 1994 where it peaked at two months and in 1999 where it peaked at four months.

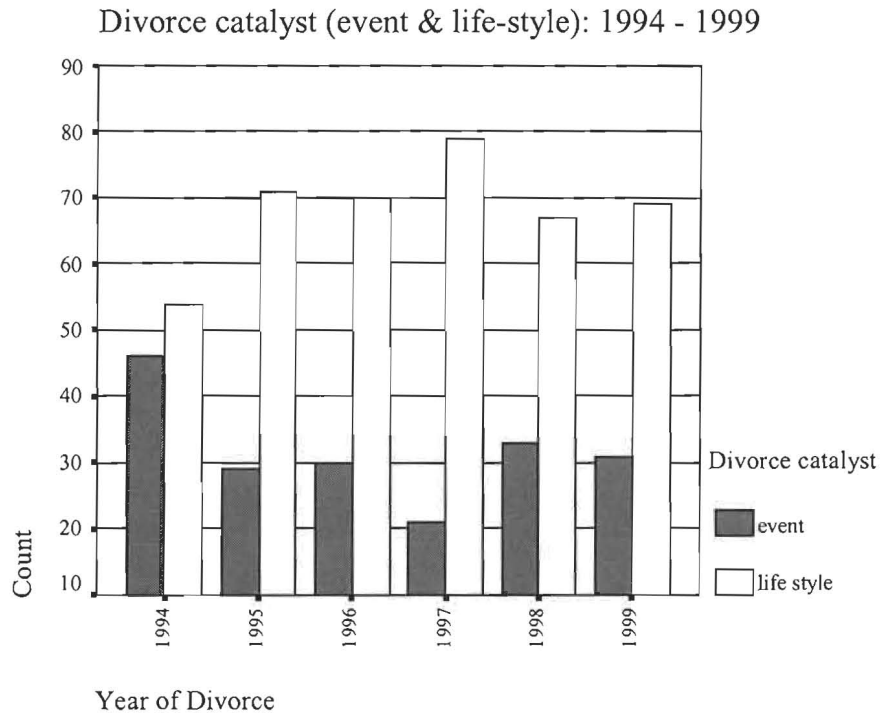
#### 4.6.13.3 The official status of the divorce from 1994 to 1999



Figure 68: Official status of the divorce from 1994 to 1999

The frequency of talaq divorces over the six years of the study has an average of 57.5. It peaks in 1995 at 69 talaq divorces and has its lowest frequency in 1996 with 45 talaq divorces. The mean difference between the six years is significant ( $\chi^2 = 16.839$ ,  $df = 5$ ,  $p = .005$ ).

#### 4.6.13.4 The divorce catalyst – event vs. life-style from 1994 to 1999



**Figure 69: Event vs. life-style catalyst from 1994 to 1999**

The life-style item dominates this category and peaks at 79 cases in 1997. Divorce applications due to an event peak in 1994 with 46 cases. The mean difference between the six years of this item is significant ( $\chi^2 = 15.312$ ,  $df = 5$ ,  $p = .009$ ).

## 4.7 Additional analysis of prominent trends<sup>30</sup>

### 4.7.1 Divorce reversal<sup>31</sup>

#### 4.7.1.1 Gender and divorce reversals

Table 14: Incidence of male and female divorce reversals

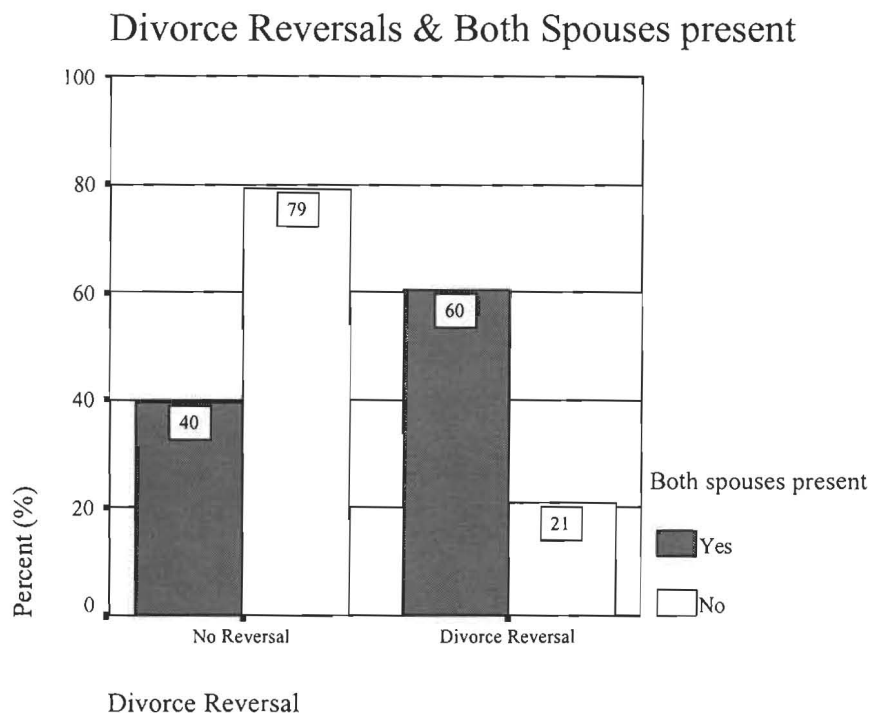
		Applicant's Gender		Total
		Male	Female	
Divorce reversal	No	128	240	368
	Female reversal	15	-	15
	Male reversal	-	217	217
Total		143	457	600

With an applicant gender make-up of 23.8 percent males to 76.2 percent females, there is an obvious disparity when one ends up with a ratio of 57.5 percent male-initiated divorces to 42.5 percent female-initiated divorces. The difference between the two groups is significant ( $\chi^2 = 600.000$ ,  $df = 3$ ,  $p < .01$ ).

<sup>30</sup> See Appendix Two for all the data tables referred to in the section.

<sup>31</sup> This term has been explained previously in Section 4.6.7

#### 4.7.1.2 *Attending divorce proceedings and divorce reversals*



**Figure 70: Attending divorce proceedings and divorce reversals**

The divorce reversal item is linked to the attendance of the male respondent. One hundred and sixty-three (60.3%) of the joint sittings of the spouses ended in divorce reversals while only 69 (20.9%) of the divorces granted in one-spouse sessions were divorce reversals. This statistic was found to be significant ( $\chi^2 = 97.507$ ,  $df = 1$ ,  $p < .01$ ). Of the 69 cases, 63 of them were cases that were terminated through a divorce proxy<sup>32</sup> sent by the absent husband.

#### 4.7.1.3 *Pregnancy marriages*

As discussed above, the study has shown a high incidence of pregnancy marriages in the study (57.0%,  $N = 342$ ).

<sup>32</sup> This is a divorce by absentia. The absent husband gives the divorce declaration in writing or telephonically to the divorce judge.



#### 4.7.1.3.1 *Pregnancy marriages and the age categories*

**Table 15: Ages of genders and premarital pregnancies**

Age Category	Sex	Marriage resultant from a Pregnancy		Total
		Yes	No	
-20	Male	1	2	3
	Female	11	4	15
20-24	Male	52	27	79
	Female	73	43	116
25-29	Male	100	41	141
	Female	101	57	158
30-34	Male	66	62	128
	Female	61	55	116
35-39	Male	53	54	107
	Female	44	37	81
40-44	Male	38	31	69
	Female	30	27	57
45-49	Male	14	19	33
	Female	13	19	32
50-54	Male	10	14	24
	Female	6	8	14
55-59	Male	4	3	7
	Female	2	6	8
60-64	Male	2	3	5
	Female	1		1
65-69	Male	1	1	2
	Female		2	2
70-74	Male	1		1
	Female			
75+	Male		1	1
	Female			
Total	Male	342	258	600
	Female	342	258	600

The highest incidence of pregnancy marriages is in the 25-29 year age-group (66.5 percent for applicants and 68.1 percent for respondents). The under-24 years olds also have a high incidence of pregnancies of 64.5 percent (63.3 percent for applicants and 65.6 percent for respondents). A special mention is the under-20 year old applicants where the number of marriages in this age-category totals seven and five of those were due to pregnancies (71.4%).

#### 4.7.1.3.2 *Pregnancy marriages and the convert*<sup>33</sup>

The incidence of religious converts in relation to their gender is the following: Female

converts involved in pregnancy marriages are 66.5 percent (N=113). This is found to be significant ( $\chi^2 = 8.680$ ,  $df = 1$ ,  $p = .003$ ). Male converts involved in pregnancy marriages are 54.1 percent (N=79). This statistic is not significant.

The incidence of religious converts in relation to their status being the applicant or the respondent is the following: Convert applicants involved in pregnancy marriages are 67.9 percent (N=91). This is found to be significant ( $\chi^2 = 8.379$ ,  $df = 1$ ,  $p = .004$ ). Convert respondents involved in pregnancy marriages are 55.5 percent (N=101). This statistic is not significant.

4.7.1.3.3 *Pregnancy marriages and the stated reasons for divorce*

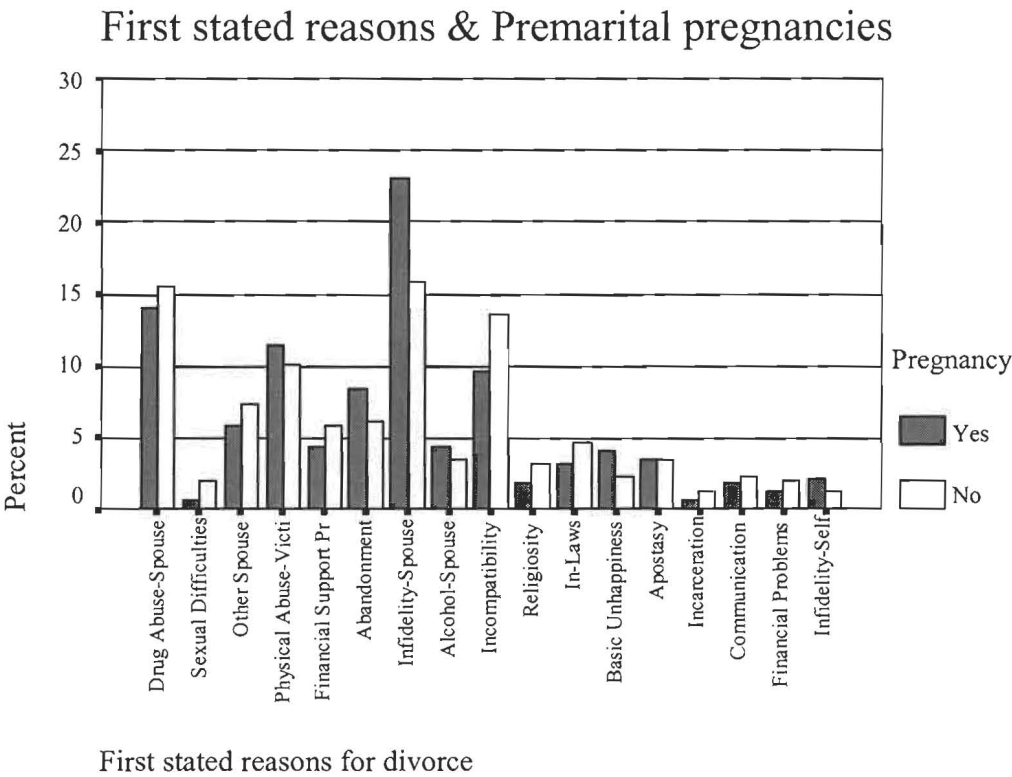
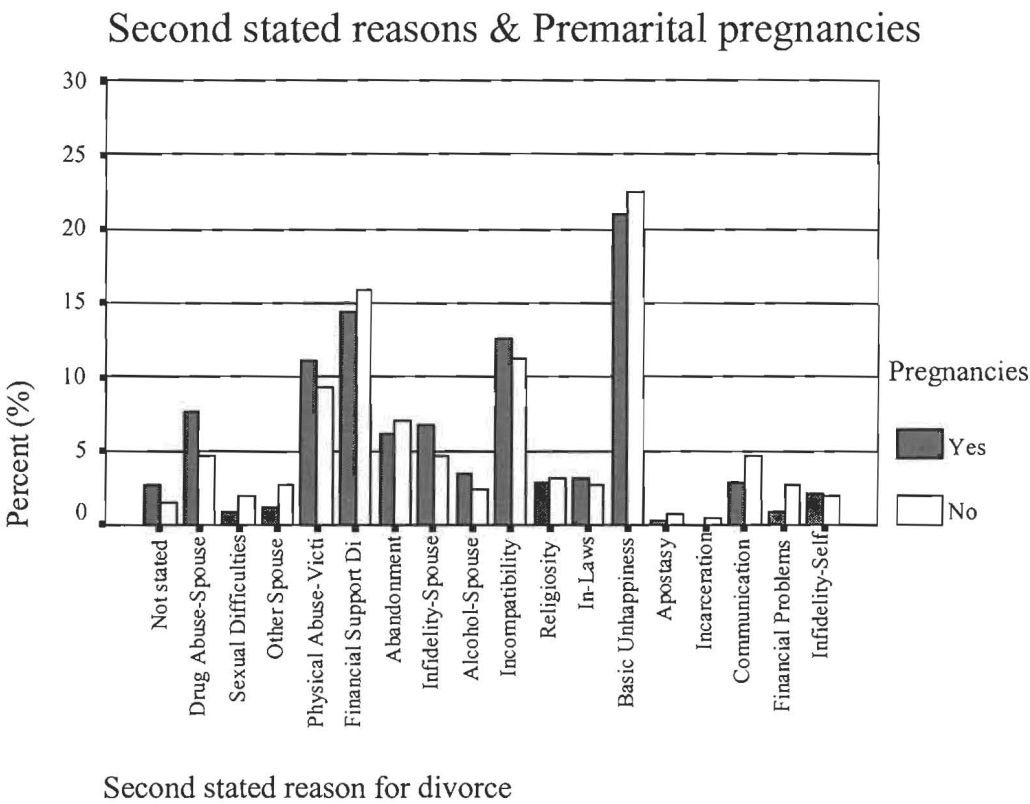


Figure 71: First-stated reasons for divorce and premarital pregnancies

<sup>33</sup> See Figure 44

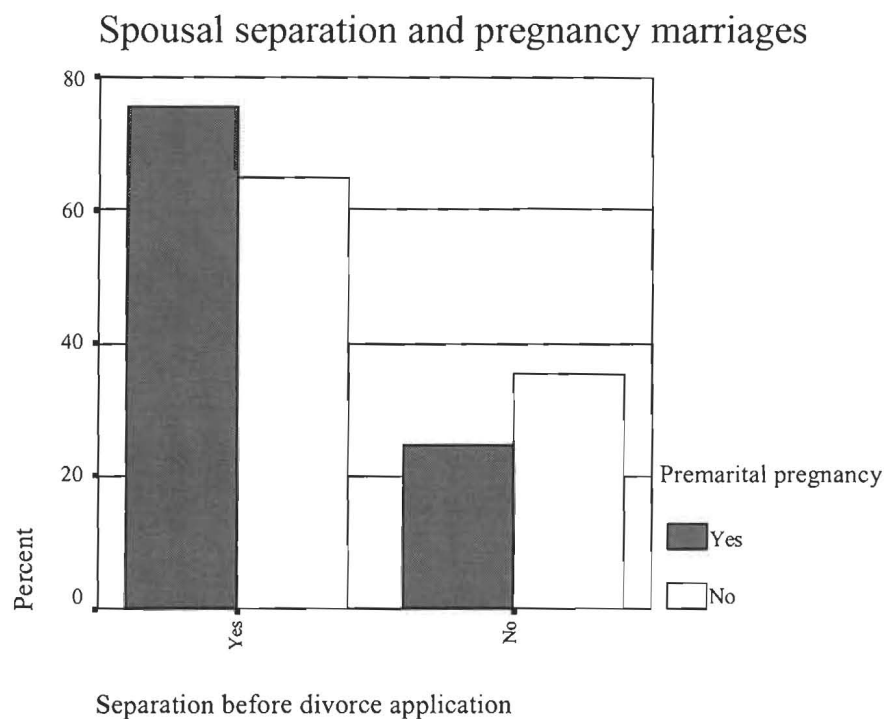
The three most stated first reasons for seeking a divorce from pregnancy marriages are ‘infidelity - self’ (65.8%), ‘physical abuse’ (60.0%) and ‘drug abuse’ (54.5%).



**Figure 72: Second-stated reasons for divorce and premarital pregnancies**

The three most stated second reasons for seeking a divorce from pregnancy marriages are ‘incompatibility’ (59.7%), ‘basic unhappiness’ (55.4%) and ‘financial support problems’ (54.4%).

#### 4.7.1.3.5 *Pregnancy marriages and separation prior to the divorce application*



**Figure 73: Spousal separation prior to divorce and premarital pregnancies**

The percentage of divorce applications among pregnancy marriages that were filed while the couples were separated is 60.7 percent (N=258). This statistic was found to be significant ( $\chi^2 = 8.165$ ,  $df = 1$ ,  $p = .004$ ).

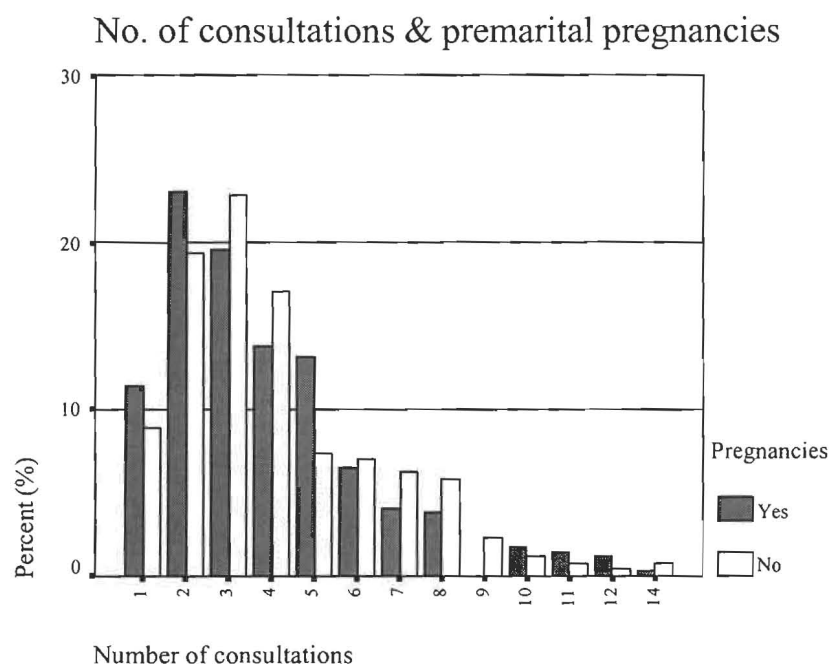
#### 4.7.1.3.6 *Pregnancy marriages and divorce duration*

**Table 16: Duration of divorce and premarital pregnancies**

		Premarital pregnancy		Total
		Yes	No	
<b>Duration (in months) of the divorce procedure (Only the first twelve months are reflected in this table)</b>	-1	40 (62.5%)	24 (37.5%)	64 (10.7%)
	1	97 (56.4%)	75 (43.6%)	172 (28.7%)
	2	56 (60.9%)	36 (39.1%)	92 (15.3%)
	3	21 (53.8%)	18 (46.2%)	39 (6.5%)
	4	20 (60.6%)	13 (39.4%)	33 (5.5%)
	5	14 (58.3%)	10 (41.7%)	24 (4.0%)
	6	17 (81.0%)	4 (19.0%)	21 (3.5%)
	7	5 (38.5%)	8 (61.5%)	13 (2.2%)
	8	3 (30.0%)	7 (70.0%)	10 (1.7%)
	9	6 (50.0%)	6 (50.0%)	12 (2.0%)
	10	5 (62.5%)	3 (37.5%)	8 (1.3%)
	11	3 (50.0%)	3 (50.0%)	6 (1.0%)
	12	5 (55.6%)	4 (44.4%)	9 (1.5%)

The incidence of divorce decrees to pregnancy marriages peaks in the period of less than a month (61.5%), followed by the second month (60.9%) and one month (56.4%).

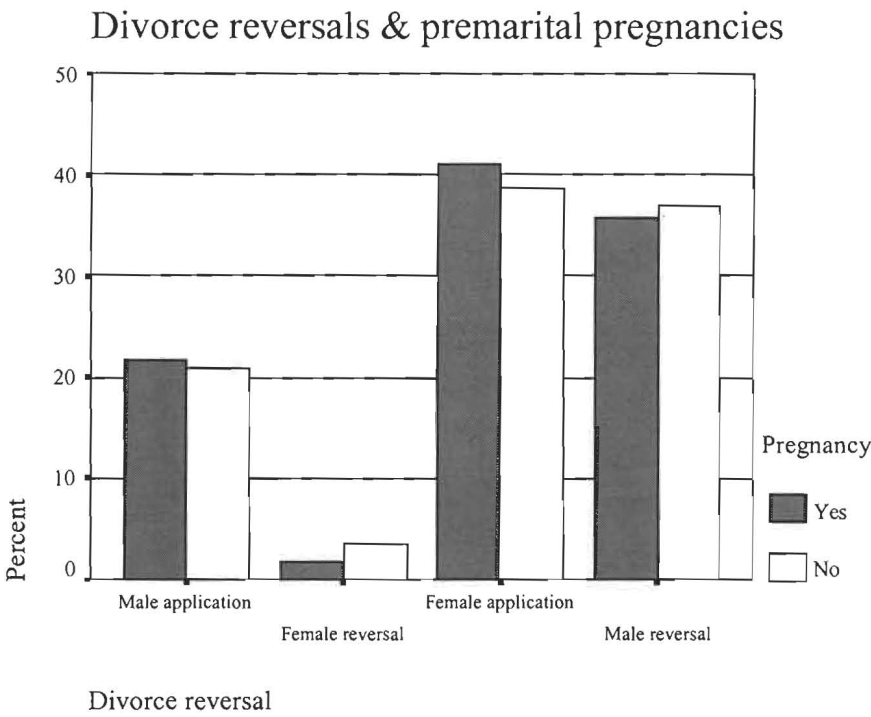
#### 4.7.1.3.7 *Pregnancy marriages and number of consultations*



**Figure 74: Number of consultations and premarital pregnancies**

Pregnancy marriages peak at two consultations (61.2%) followed by three (53.2%).

4.7.1.3.8 *Pregnancy marriages and divorce reversal*

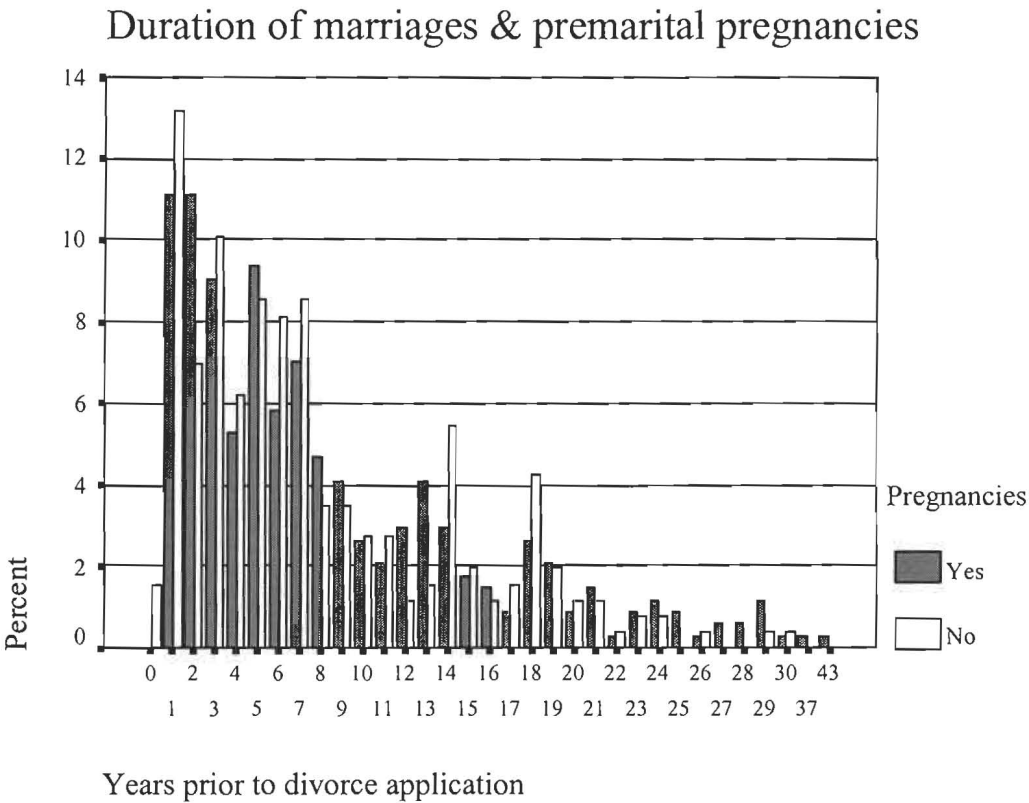


**Figure 75: Divorce reversal and premarital pregnancies**

Fifty-five percent of pregnancy marriages are turned over during the divorce proceedings.

Ninety-five point three percent of these reversals are fasakh-to-talaq reversals.

4.7.1.3.9 *Pregnancy marriages and the duration prior to divorce*



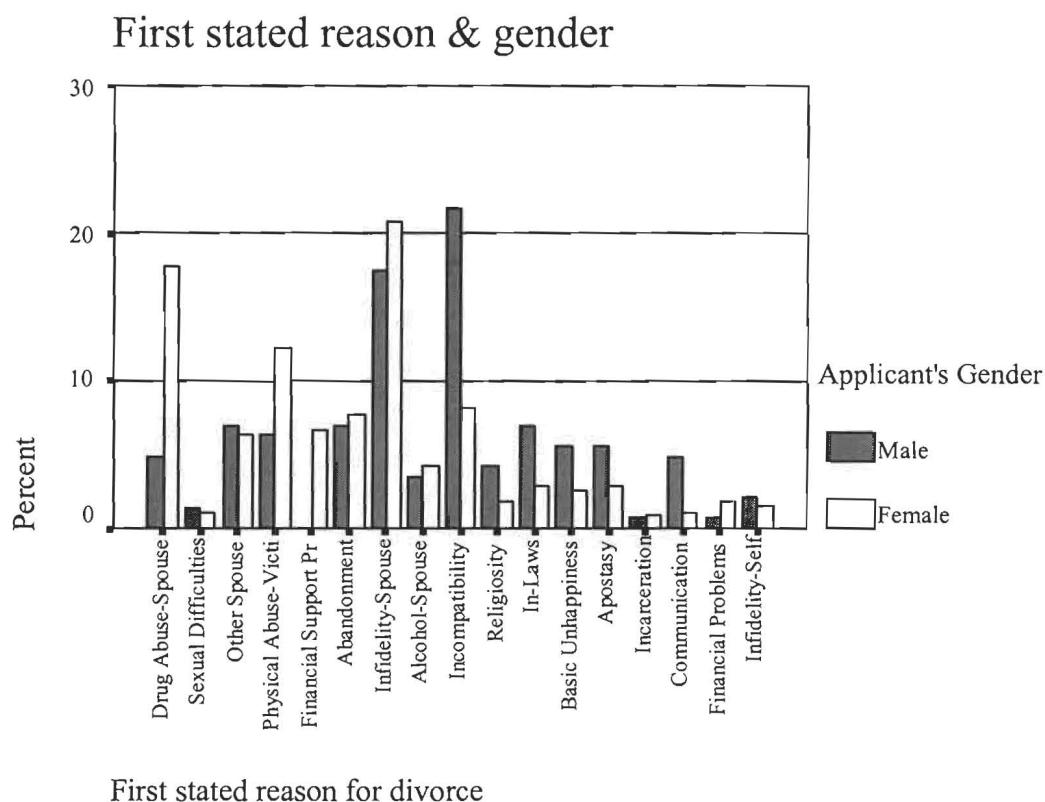
**Figure 76: Duration of marriages and premarital pregnancies**

The duration of the marriage before the divorce application among pregnancy marriages peaks at two years (67.9%) followed by one year (52.8%).

#### 4.7.1.4 Gender and the reasons for divorce

The reasons for divorce differ between the two genders.

##### 4.7.1.4.1 First reason categories and the male and female applicant



**Figure 77: First-stated reasons and gender**

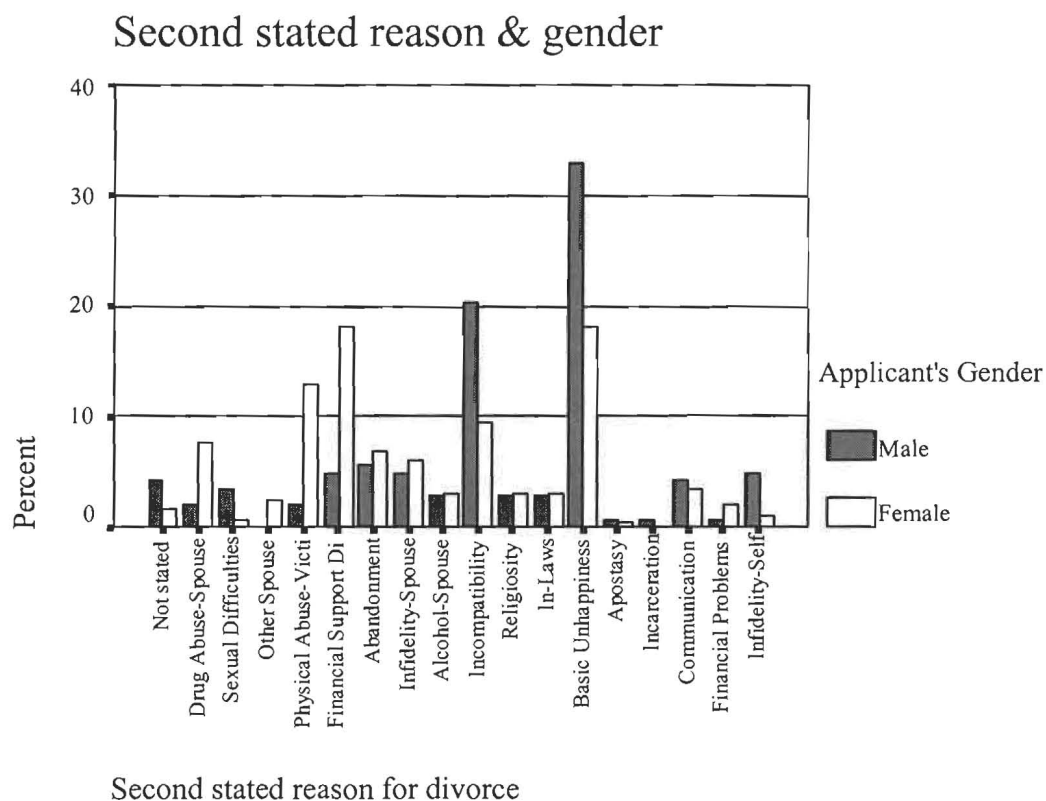
For the male applicant, 'Incompatibility' (21.5%) is the most frequently used first reason followed by complaints of the wife's infidelity (17.5%). 'Abandonment', 'In-laws' and 'Other Spouse' all had an incidence of 7.0 percent. The other reasons are all under five percent.

The main first reason given by female applicants is 'Infidelity-Spouse' (20.8%). This is followed by 'Drug Abuse-Spouse' (17.7%) and 'Physical Abuse-Victim' (12.3%).

The difference between the two groups was significant ( $\chi^2 = 65.679$ ,  $df = 16$ ,  $p < .01$ ).



#### 4.7.1.4.2 Second reason categories and the male and female applicant



**Figure 78: Second-stated reasons and gender**

For the male applicant, 'Basic Unhappiness' (32.9%) is the most frequently used second reason followed by 'Incompatibility' (20.3%). 'Abandonment' (5.6%) is the only other reason above five percent.

The main second reason given by female applicants is also 'Basic Unhappiness' (21.7%). This is followed by 'Financial Support Difficulties' (15.0%), 'Incompatibility' (12.0%) and Physical Abuse (10.3%). The difference between the two groups is significant ( $\chi^2 = 78.624$ ,  $df = 17$ ,  $p < .01$ ).

## **SECTION FIVE: DISCUSSION AND CONCLUSIONS**

### **5.1 Introduction**

In this final section, the findings of the various sections in the study will be synthesised. The findings of the applicant, respondent, marriage and divorce, as well as the convert and pregnancy item trends, will be discussed as to how they differed from or were similar to previous studies. Finally, the implications of this study and how it could be used in future intervention studies or programmes will be discussed.

### **5.2 Discussion**

#### **5.2.1 The divorce applicant**

##### *5.2.1.1 Gender*

As with other studies (Bloom & Clement, 1984), the gender disparity among applicants in this study is large. The ratio of female to male applications is three to one. The number of females initiating formal divorce proceedings is significant and indicative of several changing social and cultural factors in the community. With the advent of the New South Africa and its accompanied mindset of freedom and individuality, similar sentiment has been incorporated into people's lives and in this manner into society as a whole. Statistics South Africa (2000) recorded the incidence of Coloured and Indian<sup>34</sup> divorce applicant males between 1994 and 1998 at 29.3 percent. Fenelon (1971) observed that societies that are characterised by individualism and self-sufficiency do not foster high commitment to marriage and therefore have a high divorce rate. This has placed strain on traditional family structures where the

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<sup>34</sup> The majority of the Muslim population is found in these two racial groups.

husband no longer has the ultimate authority and is not obeyed without question. The high incidence of unemployment of the husband also plays a big role in undermining his role within the family structure. Cherlin (1981) found that the increase in marriage dissolution is partly due to male unemployment. The implication is that women feel that an unemployed male who is not contributing to the upkeep of the household is a burden to the family. These factors are seen as contributing to the disintegration of the traditional family-structure, and subsequently the high incidence of female applicants.

#### *5.2.1.2 Age*

The applicants, in general, are on average 32.12 years old and are 2.18 years older than his or her spouse (SD: 5.15). The average age of the female applicants is 32.07 years (N: 457; SD: 8.92) and they are on average 2.35 years older than their spouses (SD: 5.24). The male applicants are, on average 32.28 years old and 1.66 years older than their spouses (SD: 4.83). The age differences between the older applicants and younger respondents represent a demographical pattern in the population of the study. As in previous studies, an older spouse has some decision-making power within the relationship over his or her younger spouse. An older spouse might also decide to terminate a chronically unhappy relationship at an earlier point to have the best chance of finding another partner. For the time-period between 1994 to 1996 in South Africa, the Coloured and Indian spouses' ages averaged at 38.15 years for male and 35.75 years for female applicants (Statistics South Africa, 2000).

When one takes into account the time factor from marriage to filing for a divorce until the divorce is final, the analysis suggests that the highest risk is still with early marriages and early in marriage. While teen marriages are often described as highest in susceptibility to divorce (Kunz & England, 1988), this study suggests that the highest risk group is the 25-29

age group, and the onset age of divorce is 32.12 years. The lifestyle adopted by the Muslim community dictates that men and women get married later than their past contemporaries. The general sentiment is that the institution of marriage does not constitute the single goal of the younger generation. It usually takes second place to establishing a career or achieving something else in life. There is a general tendency to plan when marriage is to take place and not to succumb to societal pressures that prescribe short courtships.

The age distribution of applicants is very skewed towards the younger age groups, as well as concentrated on certain ages. Young couples may be immature and less able to perform marital roles. Early marriages are associated with many financial and situational difficulties and disadvantages that may not be overcome during the course of married life (Heaton, Albrecht & Martin, 1985). Moreover, Bahr et al., (1983) suggest that young people have more potential mates and fewer financial assets as constraints to divorce.

### 5.2.1.3 Work

The general unemployment rates in the Western Cape as measured by Statistics South Africa in the 1996 census, are somewhat better than what is reflected from the participants of this study.

**Table 17: Unemployment in the Western Cape by race (Coloured and Indian) and gender**

<b>Race Group</b>	<b>Sex</b>	<b>% unemployed</b>	<b>Highest unemployed age group</b>
Coloured	males	16.8%	< 25 age group (48%)
	females	20.8%	< 25 age group (44%)
Indian	males	9.9%	(not available)
	females	12.2%	(not available)

Source: Statistics South Africa, 1996

This is also true when the employment categories are compared to the overall employment categories of the Western Cape

Table 18: Employment in the Western Cape by race (Coloured and Indian) and gender

Employment Category of Coloureds	Sex	%
Unskilled	males	39%
	females	48%
Semi-skilled	males	39%
	females	15%
Skilled	males	18%
	females	34%
Professional	males	4%
	females	3%

Source: Statistics South Africa, 1996

The gender disparity in the work categories is acute as males are mostly concentrated in the 'semi-skilled' category, while females are concentrated in the 'unemployed' category. Most of the applicants are located in the lower work categories.

In this study, 39.5 percent of the applicants for divorce are unemployed. The three bottom categories (Unemployed, Unskilled and Semi-skilled) constitute 75.3 percent of the applicant population.

Women are less economically empowered as they are concentrated in the lower work categories such as the unemployment category.<sup>35</sup> The general socio-economic state of the community has steadily been declining over the last two decades, which restricts the choices of either partner to leave when marital crises occur. The wife, generally the homemaker, is then more dependent on the husband and thus more reconciliatory and more inclined to suffer in silence.

The NUC applicants are slightly more economically empowered than their MJC counterparts. This statistic is linked to the higher age brackets for the NUC applicants. The NUC clientele are of those who consciously choose not to use the MJC, which by default, is the organisation that is usually utilised by prospective divorcing couples. This decision is based on either

knowledge of Muslim community politics, unfavourable interaction between the applicant and one of the Imams at the MJC or the applicant is a member of one of the NUC's few Imams' congregations (A.G. Abduraof, personal communication, July, 2000). This would also explain the low incidence of converts in this group. It would appear that the NUC applicants are therefore more mature, in a higher income bracket and generally more settled than the MJC applicants.

#### 5.2.1.4 *Convert*

Despite an exceptionally high presence of converts in the study in general, there is a low incidence of convert applicants. This statistic could be attributed to the disenfranchising of converts within community structures. The majority of converts are forced to become Muslims in order to marry their Muslim partners (A.M. Saban, personal communication, October, 1999). As this conversion is purely ceremonial rather than ideological, they lose touch with the Muslim community structures soon after their conversion. At the time of the marital conflict, they then lack the resources and confidence to employ the proper religious channels to address the issues at hand. The incidence of male converts as applicants is 14.9 percent and female converts, 24.9 percent. This gender disparity could be linked to the alienation many male converts feel who, out of their own accord or due to lack of support structures, do not embrace their faith and the community structures within the Muslim community. Islam prescribes that the male head of the household play an active role in the home and the many communal activities that link it to the community at large. Activities such as Friday congregational prayers, extramural Islamic education classes for the children in the afternoon as well as for the adults in the evening, community events such as weddings,

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<sup>35</sup> See footnote 18

funerals, name-giving ceremonies and other occasions demand prior knowledge of required rituals and practices that the male must have in order to participate. Converts often feel socially inadequate and stay away from such activities (A.M. Saban, personal communication, October, 1999).

Retreat (38.1) and Delft (37.5%) have the highest proportion of convert applicants. These areas are not distinctive from other areas in the study, other than Delft being a new area that is rapidly expanding with a community that is still establishing itself. Luiza, Chan and Heaton (1989) propose the 'frontier atmosphere' and 'social integration' hypotheses to explain the seemingly high incidence of cross-cultural unions in newly developing areas. The social structures in these areas remain fluid until the areas become more settled.

#### 5.2.1.5 *Area*

Mitchell's Plain is the largest contributing area to the divorce population in the study. The demographic breakdown of the research sample in Appendix Two is not representative of the entire Muslim population in the Western Cape as shown in Appendix Two. The divorce sample is concentrated in Mitchell's Plain (32.33%), which is a densely populated and largely low-income area with the largest Coloured community in the Western Cape. During the numerous Government relocation programmes out of the Cape Town Metropole under the Group Areas Act in the late 1960s and 1970s, this area was earmarked for all Coloured groupings. This resulted in artificial communities, as people who would not normally choose to live next to one another, were forced to do so. Luiza, et al. (1989) also propose the 'frontier atmosphere' and 'social integration' hypotheses to explain the seemingly high marital dissolution rate in these areas. They maintain that a high density and an influx of newcomers weaken the neighbourhood social network. This leads to low social integration (Weed, 1975;

Glenn & Shelton, 1985), which leads to high levels of self-sufficiency and individualism that do not foster a commitment to marriage (Fenelon, 1971). Athlone (9.5%) and Grassy Park (7.5%) are also similar examples of high-density areas.

## **5.2.2 The divorce respondent**

### *5.2.2.1 Age*

The age distribution of the respondent is normal and does not cluster around common ages like the age distribution of the applicant (The kurtosis value of the applicant's age distribution is 2.047 while the respondent's age distribution is 0.768). The significance of this is that there is really no age-group among the respondents that can be singled out as a danger group.

### *5.2.2.2 Work*

Respondents are generally more economically empowered than their applicant counterparts. Although the 'unemployment' category is well represented in the male respondent population, a large group of the male respondents fall within the 'semi-skilled' work category. The most dominant category in the female respondent population remains the 'unemployment' category.<sup>36</sup> This reinforces the perception that women, as a rule, are economically disadvantaged in the community.

Cherlin (1981) showed a positive correlation between an increase in female divorce application and male unemployment. Although there were other influencing factors that contributed to the high divorce rate in low-income communities, unemployment was the largest one as it had a direct bearing on the economic survival of the family. As soon as the unemployed male was perceived as a chronic burden and not a contributing factor to the



survival of the family, and the employed female possessed the economic ability to look after the family without his help, the chances were great that she would seek to cut him off. This is also true even if she is unemployed or a housewife (as a large percentage of the female applicants of this study are) and has some alternate and informal means of income such as hawking or a spaza shop<sup>37</sup> (A.M. Saban, personal communication, October, 1999; A.G. Abduraof, personal communication, July, 2000).

### 5.2.2.3 *Convert*

The incidence of convert respondents in the study is 30.3 percent (N = 182). Respondent converts are concentrated mostly around the lower-age groups (25-29 = 23.6%, 30-34 = 17.0%, 35-39 = 18.7%). This statistic could be linked to young persons not having adequate negotiation skills to make their own decisions. Confronted with a premarital pregnancy and societal pressure to 'do the right thing', many would conform to the pressure and convert even if they feel differently. If no assistance is given to the young convert, problems would arise later. The respondent is also less likely to show up for proceedings when he or she is a convert. The reasons for this have been explained in the convert applicant section.

## 5.2.3 **The marriage**

### 5.2.3.1 *Duration of marriage*

Although the average duration of years before a divorce application in this study is 8.15 years (Standard Deviation: 6.934) and ranges from 0 to 43 years, the danger period where most of the divorce applications take place is the 1-4 year category followed by the 5-9 year category.

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<sup>36</sup> See footnote 23

This is in line with most studies that examine duration of marriage. Schoen (1975) found that the divorce rates peaked at duration three and four years, declining slowly thereafter. Luiza, Chan and Heaton (1989) found that 40 percent of all divorces and annulments in the United States of America occur within the first five years. Mott and Moore (1979) concluded that the probability of dissolution declines as the marriage enters its fifth and sixth year. In this study, marriage duration peaks at one year (12.0%).

The average number of years for couples at the MJC is 7.89 years and at the NUC 9.80 years. This statistic is linked to the discussion on the applicant's population. The divorces of convert marriages of the study peak in the first year.

#### *5.2.3.2 Presence of children*

There is a very high presence of children in the marriages in the study (82.8%, N = 497). Marriages with children break up mostly around the second and third year while those without children mostly break up in the first year. The most widely accepted position is that divorce and separation are moderately lower for those who have children than for the childless (Cherlin, 1977). Divorces in marriages that were due to premarital pregnancies peak in the first and second year. This is due to the conflict that is associated with childbirth in inter-cultural couples (Cherlin, 1981).

The presence of children in convert marriages in the study is 53.3 percent and this could be linked to the high incidence of pregnancy marriages among convert marriages.

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<sup>37</sup> This South African phenomenon has its origins in the townships with small informal shops that are started in dining-rooms of township houses selling grocery essentials such as bread, milk, sugar, etc.

### 5.2.3.3 *Number of children*

The average number of children per marriage in this sample is 1.79 and the dominant category of marriages that seek dissolution is the one-child marriage. Two children in the marriage follow in second place, followed by marriages with no children.

In the one-child category, 31.8 percent come from convert marriages and 29.0 percent come from non-convert marriages. This trend changes in the two-child category where only 23.9 percent come from the convert marriages and 28.6 percent come from the non-convert marriages. The reason why there is a change between the one and two children marriages is that the most common period of conflict in intercultural couples occurs when the first child arrives. Both parents strive to impose their own respective value systems on the newborn. The spouses' own respective families are also a major source of conflict (A.M. Saban, personal communication, October, 1999; Cherlin, 1981). Beishon, Modood and Virdee (1998), in a follow-on qualitative study on the Fourth Survey of Ethnic Minorities (1994), found that most of the Muslim families of South Asian origin had negative views about mixed ethnic marriages. Those who were against mixed relationships thought that they were bad for children and it led to confusion about identity and values.

### 5.2.3.4 *Convert marriages*

This is the first major trend found in this study. Traditionally, the Muslim community is a mainly exclusive community where marriage is concerned. It is governed by religious laws that prohibit the marriage of a Muslim female to a non-Muslim male and strongly discourages marital unions between Muslim males and non-Muslim females.<sup>38</sup> These laws have caused the

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<sup>38</sup> There are many sources for these laws. For a fairly comprehensive overview of these laws, see an internet article "Marriage between Muslims and non-Muslims" by Arif Khan at <http://www.jannah.org/sisters/intermarriage.html>

community generally to marry within the boundaries of the community (see Section 1.1.4).

This trend is not exclusive to the Muslim community. Berman (1968) related that the President of the Rabbinical Council of America contended that 90 percent of Jewish intermarriages are unsuccessful and undermined the stability of the home. With the integration of the various cultural communities during the last thirty years, the incidence of interfaith marriages have been on the increase, but according to anecdotal evidence, this type of marriage has not surpassed same-religion marriages.

Taking the above statement at face value, having a 53 percent incidence rate of a sub-group in the community in one's study population is a significant find. It is obvious that no extrapolation to the larger community can be done, but it warrants further study with a larger control group in order to assess the incidence of all convert marriages in the community, whether healthy or distressed.

## **5.2.4 The divorce**

### *5.2.4.1 Separation prior to divorce*

Four hundred and twenty-five (70.9%) couples among the divorce population of the study were separated before their application for a divorce. This is indicative of the state of the marriages of those who apply for divorce. Separated couples then tend to apply for divorce within the first year of separation. These applications peak in the first month (9.3%) and at yearly intervals. The majority of separated couples seek divorce within the first six months of their separation (N = 222, 37.0%).

The trend of separation before the divorce application is more prominent among the MJC couples with 72.5 percent against the 58.8 percent of the NUC couples. The mean difference

between the two groups is significant. The significance of this difference can be linked to the demographics of the respective applicant populations of the study. The group at the NUC is generally older, longer married and more economically stable. It is assumed that these couples would view separation as an economically unattractive option. The period-length of separation between the groups of the two agencies does not differ significantly.

#### *5.2.4.2 Reasons of divorce*

In an attempt to make sense of this section, I have attempted to categorise the complaints into several broad categories. The main consideration used to guide this categorisation is the manner in which these complaints were utilised by the applicant in the divorce application within a typical counselling context in a Cape Town Muslim divorce agency. I must stress that these categories are not exclusive and interlink with one another at various places.

The first category includes complaints such as 'communication', 'financial problems', 'in-laws', 'physical abuse', 'drug abuse' and 'alcohol abuse', where they are directed to the behaviour of the opposing partner. They relate how the accused spouse acts towards the divorce applicant in relation to the problem at hand. If there are multiple complaints, this category is normally used as the primary complaint. The reason for this preference is linked to how the divorce process is viewed by the divorce population as well as the divorce officers and counsellors. Divorce applicants generally see this process as a necessary ritual to obtain an Islamic divorce decree, and divorce officers and counsellors require a checklist of definable and tangible reasons before a divorce decree is issued. This is not to say that Islam does not acknowledge intrinsic reasons such as loss of affection or incompatibility as valid reasons for divorce. In fact, there are numerous examples in Islamic jurisprudence where this has been enough motivation for granting a divorce (Salie, 1993). With the overwhelming

incidence of divorce applications with seemingly insurmountable problems such as spousal abuse and chronic drug abuse at the divorce agencies, counsellors resist proceeding with the divorce application where the applicants cannot produce seemingly insurmountable problems in their marriages. “I don’t love him (her) any longer” or “I am not happy anymore” would probably evoke calls for fortitude and patience from most counsellors. A divorce would probably be granted but it would require considerable persuasive skills on the part of the applicant (A.M. Saban, personal communication, October, 1999; A.G. Abduraof, personal communication, July, 2000).

The second category of complaints includes those that deal primarily with how the applicant perceives his or her own feelings in relation to the distressed interaction with the opposing spouse, such as ‘sexual difficulties’, ‘incompatibility’ and ‘basic unhappiness’. This category is relegated to being used as secondary complaints. This is in line with the previous discussion above.

The third type of complaints such as ‘infidelity’ (spouse and self) deals with unfaithfulness of the partner that conjures up a unique set of interactions between the opposing partners. ‘Other Spouse’ is a category that differs slightly from the other two, in that it deals with bigamy or polygamy, which are legal procedures in Islam.<sup>39</sup> The reason why they are grouped together is that they essentially invoke the same dynamics in the distressed relationship as illicit affairs.

Complaints such as ‘religiosity’, ‘financial support problems’, ‘abandonment’, ‘apostasy’ and ‘incarceration’ have strong religious overtures and often lend credence to the applicant’s case.

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<sup>39</sup> There are several strict limitations on the husband who resorts to polygamy. Among those is the ability to practice strict equality between the wives, financially as well as emotionally. For more on the topic, consult “Polygamy in Islamic Law” by Dr Jamal Badawi (1998) or “Islam’s position on polygamy” by Dr Abu Ameenah Bilal Phillips at <http://www.bilalphillips.com/abouthim/artic04a.htm>

This leads to the items being over-utilised by seasoned divorcing spouses.<sup>40</sup>

The trend in the most common reasons given by the female applicant ('Infidelity-Spouse', 'Drug Abuse-Spouse' and 'Physical Abuse-Victim') can be looked at from three angles. Firstly, and the most obviously, fewer women than men (in the general population) are either physically abusive or drug abusers. Secondly, the reasons given represent a threat to her relationship and family. A cheating husband is more likely to increase the financial burden on the household by sharing his resources with the external cheating partner ('Financial Support Difficulties' is quoted most often as a second reason after 'Basic Unhappiness'). 'Drug Abuse' and 'Physical Abuse-Victim' seem to be interlinked and is strongly associated with personal unhappiness as well as the financial disempowerment of the family. Thirdly, all three reasons are clear grounds for granting a divorce under Islamic law. If these reasons are compared with those most commonly given by males ('Incompatibility', 'Infidelity-Spouse' and 'Abandonment' / 'In-laws' / 'Other Spouse'), it is clear that where the males have a intrinsic<sup>41</sup> reason ('Incompatibility'), the females have none. This could be interpreted as a general negativity and a lack of confidence by females in the divorce procedure. From my experience and from others in the field, if a woman has a range of complaints, she would list the ones that will assist her to obtain a speedy divorce and stay away from reasons that need interpretation and excessive explanation (A.M. Saban, personal communication, October, 1999). Males do not display the same reservations because they are confident in obtaining the divorce decree whatever reasons they give.

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<sup>40</sup> These concepts were explained in detail in section 3.4.1.1.1

<sup>41</sup> Intrinsic reasons are reasons that do not present a straightforward reason Islamic law needs for a divorce decree.

#### 5.2.4.3 *Talaqs and fasakhs granted and divorce reversals*

There is a large reversal of potential fasakhs to talaqs noted in the sample population (217 out of a total of 457 female applications – 47.5 percent). The increase in the rate of talaqs is proportional to the increase of male divorce applicants. As explained earlier, the talaq is generated from a husband's side and the fasakh is granted to the wife by the qadi. This is normally determined by who the divorce applicant is. Traditionally, Islamic divorce courts prefer granting a talaq rather than a fasakh. (See Section 4.7.1.1, where 47 percent of the cases brought by the wife, was granted a talaq. In other words, the husband was asked to initiate the divorce in the end. The 15 cases where there was a female reversal are anomalies, and reflect cases where husbands, who were the initial divorce applicants, refused to attend subsequent consultations and the wives then insisted on divorce termination.) There are two reasons for this preference: The first reason is an ideological one; that a fasakh removes the marital bond at its very foundation and a talaq brings the marital contract to an end (Ahmed, 1978). The judicial implication between the two types is that a husband may institute reconciliation with his wife while she is still under iddah; but in the case of a fasakh, reconciliation can only occur after the iddah period and must be solemnised with a new marital contract (Salie, 1993). The second reason for the preference of a talaq over a fasakh is to protect the woman, as there is a social stigma attached to a woman who applies for a fasakh.

Anecdotal evidence suggests that the reversal is linked to the tendency of divorce officers to protect the female applicant from returning the dowry to the husband, which is a stipulated condition for a fasakh. In addition, the avenue for reconciliation of the spouses within the iddah-period is not available. Any future reconciliation can only occur outside the iddah-period and with a new marriage contract. Another reason given is to “protect” females from the social stigma attached to females “who seek divorce at whim and who do not exercise



patience with their husbands” (A.M. Saban, personal communication, October, 1999). It is also plausible, however, that the reversal phenomenon is a consequence of a gender power-relationship designed to subjugate females and “keep them in their place”. This power dynamics can be seen in the fact that the male is 2.44 years older than the female in the reversal from a fasakh to a talaq, which is the largest age difference of all the age-difference categories. This power dynamic can also be seen where the age groups in which a fasakh to talaq reversal occurs the most frequently are the under-20, 20-24, 25-29 and 45-49 age-groups. These hypotheses should be tested in more detail in future studies.

Interestingly enough, in a pilot study that was done in preparation for this study, the author compared a divorce archival data set from 1988 with a data set taken from 1998. Among other things, he recorded a decrease of 41.7 percent in the conversion of potential fasakhs to talaqs. The implications of this decrease are firstly that the male respondents increasingly ignore the letters to appear at the proceedings, which does not give the court much option. The other reason is that the social stigma surrounding the topic of fasakh has diminished over the last few years (Toefy, 1999).

#### 5.2.4.4 *Attending divorce proceedings*

There is a strong negative attendance trend from the respondents in this study. Fifty-five percent of the cases in this study were one-spouse proceedings. This shows either how bad the state of the marriages are when they are referred to these structures, or the lack of respect shown toward religious structures. The divorce reversal item is invariably linked to the attendance of the male respondent. One hundred and sixty-three (60.3%) of the joint sittings of the spouses ended in divorce reversals while only 69 (20.9%) of the divorces granted in one-spouse sessions were divorce reversals.

Table 19: Age Differences between spouses and the reversal of the type of divorce

Applicant's Gender	Official status of divorce	Mean Ages <sup>42</sup>	N	Std. Deviation
Male	Talaq	1.95	128	4.641
	Fasakh	-.80	15	5.846
	Total	1.66	143	4.832
Female	Talaq	2.53	217	4.701
	Fasakh	2.18	240	5.682
	Total	2.35	457	5.236

This table above tends to support the hypothesis of the power differential between the spouses at an organisational level. Older men feel more comfortable with the system and as soon as they enter the procedure, even as a respondent, the power dynamic shifts to them.

The religious structures tend to transfer all decision-making power from the female to the male.

#### 5.2.4.5 Duration of the divorce procedure

There is a perception among marital counsellors that a 'conveyor belt' policy exists, especially at the MJC. This is a policy where applicants, if they say the right things, can apply and get their divorces within a month or two. The findings of this study above do not dispel these perceptions. Twelve point seven percent of the study obtained their divorces within one month and of this figure, the MJC has the lion-share (98.4%). Thirty-four point two percent, the highest category of the study, took less than two months to complete procedures, with the MJC holding top honours again with 92.4 percent. The MJC peaks at this category while the NUC peaks at less than four months. These statistics will be discussed further in the next section.

<sup>42</sup> Positive numbers represent older males and negative numbers represent older females

#### 5.2.4.6 *Number of consultations*<sup>43</sup>

Many factors might influence the number of consultations and number of months a divorce can take. The fact of the matter is that the majority of the people who use the structures at either the MJC or the NUC, view it not as counselling but as a way to fulfil a ceremonial and religious process that will eventually finalise their divorce. These structures themselves bolster these perceptions as the first consultations are usually occupied with establishing whether the applicant has ground for a divorce or not. The counsellor attempts to verify allegations with the offending party and parries it with either calls for patience or a time-out. Counselling methods are employed as a secondary phase. This can be seen in the distribution table in Section 4.6.5 where the majority of the cases (52.8%) are concluded within the first three consultations.

Let us view the number of consultations in light of already separated couples against those who go to the first session as a cohesive couple. This would shed light on how the counsellor views the survival chances of the couple and how much energy he or she exerts on reconciliation and mediation.

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<sup>43</sup> The duration of a consultation differs between the two agencies. At the MJC, a consultation can last from twenty minutes to a half hour. The consultation at the NUC is longer at forty-five minutes to an hour.

**Table 20: Comparison between the number of consultations and being separated before divorce application**

		Separation before divorce application		Total
		Yes	No	
Number of consultations	1	39	23	62
	2	98	31	129
	3	97	29	126
	4	66	25	91
	5	48	16	64
	6	23	17	40
	7	23	7	30
	8	19	9	28
	9	2	4	6
	10	2	7	9
	11	4	3	7
	12	4	1	5
	14		3	3
	<b>Total</b>	<b>425</b>	<b>175</b>	<b>600</b>

This shows a clear trend between separated couples and the number of consultations.

Separated couples tend to have a much shorter divorce procedure.

These findings follow in the discussion on the previous section. There is not much therapeutic manoeuvring a counsellor can do within 3.67 consultations. To worsen matters, the first session is more of an intake and a containment session for the applicant who usually comes alone. The second consultation is usually the one where the first full counselling session takes place with both spouses. The situation, on the face of it, is better at the NUC with an average of 5.93 consultations.

#### *5.2.4.7 Referral agencies*

The most important statistic that needs to be examined in this item is the 'none' category.

Eighty-five point three percent of the applicants of this study did not seek intermediary support structures to assist them during their marital crises before applying for their divorce.

There are two possible reasons for this trend: one, these intermediary support structures do not

exist, are inadequate or the applicants do not know about them; and two, the applicants themselves choose not to utilise these structures.

The only category that is peculiar to males is the 'local imam' category. This was previously discussed.

## **5.2.5 Additional analysis**

### *5.2.5.1 Premarital pregnancy*

This is the second major trend found in this study. According to several anecdotal sources, pregnancy marriages have been on the increase in the last twenty years, but it is nowhere close to what the figures in this study are suggesting (A.M. Saban, personal communication, October, 1999; A.G. Abduraof, personal communication, July, 2000). It is obvious that the purpose of this study is not to infer trends to the larger community, but if a supposedly small sub-group features so prominently in a study of this kind, it warrants further investigation.

The situation around the community practice of 'forcing' couples to get married when the female falls pregnant needs to be examined. The affected couples are not allowed to follow a natural progression from courtship to marriage, so many couples who would not have ended up together do so, due to the insistence of the families 'to make things right'. A similar trend was also found in previous studies on the issue of premarital pregnancy (Bolton & Kane, 1980; Coombs & Zumeta, 1970).

Premarital pregnancy is also positively associated with divorce (Bolten & Kane, 1980; Coombs & Zumeta, 1970). For example, Furstenberg (1979) finds that more than half of premaritally pregnant respondents divorce within four years. Premarital pregnant women are generally younger, lack economic resources and preparation for marriage, and have a short

period of courtship (Furstenberg, 1979). Pregnancy marriages peak at one child (36.3%) and two children (29.8%).

When the high pregnancy and convert prevalence trends are brought together, a clear link is seen:

**Table 21: Link between convert marriages and pregnancy marriages**

		Marriage involving a Convert		Total
		No	Yes	
<b>Marriage resultant from a Pregnancy</b>	Yes	150	192	<b>342</b>
	No	134	124	<b>258</b>
<b>Total</b>		284	316	<b>600</b>

Out of the 316 convert marriages in the study, 192 were pregnancy marriages (60.8%). These two factors would put tremendous strain on a new marriage.

#### *5.2.5.2 The differences between the MJC and the NUC*

There are two major differences between the two agencies:

**The Divorce population:** The NUC population is generally older than their MJC counterparts. This would then translate into the NUC group being more financially secure, having a lower incidence of converts and premarital pregnancies. There is a much lower incidence of male applicants in the NUC group. This can be ascribed to either the position the organisation holds in the community or it being the last resort for disgruntled women who could not get their divorces through the MJC.

**The Divorce Procedure:** If one should judge by the time that is spent with the distressed couple, then the NUC has a better record of accomplishment. It has a higher average in the number of consultations and longer time-period between the divorce application and the granting of a divorce decree. It could also be that the volume at the MJC does not allow

counsellors to expend a lot of energy on one case. The other possible explanation could be that the average is higher at the NUC because of the high number of female-initiation divorces. At both agencies, a fasakh takes much longer than a talaq.

### **5.3 Conclusions and implications of the study**

Most studies that deal with divorce rates as an indicator of marital stability or instability, conform to expected relationships between divorce rates and spouses' age of marriage, level of education and presence of children. That is, divorce is more likely when couples marry as teenagers, have lower levels of education and have few or no children. This study found, on the contrary, that the participants were fairly mature (males=27 years; females=24 years). Schoen (1975) and Bahr et al. (1983) point to the possibility that the event of divorce may be very different for very young spouses. On the one hand, they may be more inclined to more readily file for divorce because of their excellent chances for remarriage and thus their unwillingness to tolerate given levels of dissatisfaction in their marriages; they may also have fewer financial assets and fewer children or none at all to stand in the way of divorce. On the other hand, it is possible that very young spouses may continue longer than might be expected in a marriage either because they are less capable financially and emotionally to pursue the process of divorce or are less aware of alternatives to a stressful marriage. It may also be true that the early years of marriage may be relatively rewarding even though that marriage may not be a lasting one.

Previous research based upon duration of marriage as an indicator of marital success or failure does confirm expectations relative to the presence of children (Rankin & Maneker, 1985).

This study over several years in the Muslim community serves to confirm this finding.

Though the findings do not permit further considerations, they do prompt further research into the impact of children upon duration of marriages. Although this is a well-researched area, it will be important to understand how the presence of children in a Muslim marriage and communal pressures interact to prolong marriages. The assumption would be that the presence of children may serve to delay divorce due to strong community pressure against divorce when children are involved. Furthermore, further study may find that children bring new zest into family life as well as the many challenges of child rearing, and this may prolong the marriage. Parents today have become more aware of the emotional costs to the children when divorce occurs and thus delay proceedings. Finally, further research may reveal that divorce is more costly financially as well as emotionally when there are children.

While future research is necessary in order to validate these findings in the Cape Muslim community, this study puts forward the following tentative suggestions, which are formulated from the findings of this study and also from the author's own experiences and conversations he had with other role-players in the field:

### **5.3.1 Instituting proactive strategies**

#### *5.3.1.1 Premarital courses*

Couples need to be empowered to deal with the stresses and strains of the marital bond. The local imams, in their own capacities, conduct numerous premarital classes around Cape Town at any given time. Unfortunately, these programmes are not well structured and vary in length as well as quality. Most concentrate only on imparting the Islamic duties and responsibilities of the two spouses towards each other and to their families. Things that are ignored are, amongst others, teaching communication techniques, conflict management, budgetary issues and sexual conduct. These areas are the biggest reasons for marital dissatisfaction and



dissolution in the Cape Muslim community. Research points to the fact that imperfect information acquired before marriage and information acquired during the first few years of marriage are frequently responsible for the quick termination of marriages (Becker, 1981).

Workshops need to be conducted with all the role-players in the field to agree on the main instructional areas of a uniformed premarital programme in the greater Cape Town. Training sessions need then to be conducted with the marital officers to ensure uniform dissemination of the skills to the couples as well as quality control.

Two additional, but essential, ingredients of such a programme are: One, the establishment of follow-up sessions for the couples at their six-month, one-year, two-year anniversaries and immediately following childbirth. This measure is necessary to counter the relapse phenomenon that is typical of pre-marital programmes (Gottman & Krokoff, 1989). The reason for these time-points is that they represent appropriate intervention points in the first two years of the couples' lives together. In an earlier study dealing with duration of marriage to the final divorce decree (Rankin & Maneker, 1985), the authors suggest that some marriages appear to succeed for several years before dissolution occurs. Rewards and deprivations within marriages may balance more favourably in the early years of marriage than in later years. What was once a satisfactory marriage may become less so as husbands and wives see new horizons, have different occupational experiences and discover different aspirations. Intervention programmes would be much more useful at this stage.

The couples could interact with the instructor in a small focus group format, and discuss any difficulties they might have encountered since they got married. The main purpose of these sessions is two-fold: To enhance and ground the skills that were taught at the premarital programme and to identify potentially distressed couples for individual counselling and

proactive intervention (Markman, Stanley & Blumberg, 1994). The second additional ingredient of a successful programme is the allocation of each couple to a 'sponsor'-couple. This sponsor couple is an older couple who have been married for more than 15 years and have been screened by the instructor or imam. The function of these sponsor couples (each sponsor couple could sponsor ten newly married couples during their first year of marriage) would be to assist the newly married couples, with a non-intrusive manner, in whatever difficulties they may face. This approach is taken from community-based programmes such as ACME (Association for Couples in Marriage Enrichment). The central theme of community-based programmes is that couples have a social and community network to assist them through the tough spots in their marriages (Markman et al., 1994).

#### *5.3.1.2 Early detection*

The biggest problem facing the MJC and the NUC marital counselling structures, and all other such agencies in the community, is that when the application is made, the distressed couple has already parted ways or broken up irreconcilably and only wants the religious body to sanction the separation. Successful measures of any productive worth must be instituted at an earlier stage. This can only happen in a communal setting where these structures can be implemented using neighbourhood or community structures such as sponsor couples or para-professionals. A huge responsibility lies with the local imam to be in touch with his community and to identify potential problems for immediate resolution. Counselling at this level is considered to be much more effective, as the element of familiarity is also present which can assist the process. The imam would also have a handle on the broader socio-economic situation or any other relevant information of the couple.

#### 5.3.1.3 *Religious convert programmes*

The problem with converts entering into the fold of Islam merely for marrying a Muslim spouse, present a huge problem in the Muslim community. There is a positive correlation between the spouses sharing common values and marital stability (Glenn & Supanic, 1984). Ethical and cultural problems inevitably surface which are multiplied when the children are born. Berman (1968) contended that mixed marriages were probably more vulnerable to in-law troubles. A certificated four to six month programme need to be instituted for converts prior to their marriages. This mandatory<sup>44</sup> programme will teach them the basic tenets of the religion. It will strive to provide the convert with an ideological as well as a practical foundation to be a functional and productive Muslim. ‘Sponsor’-concepts as well as continuous refresher programmes can also be incorporated into this programme.

#### 5.3.1.4 *Marital counselling training*

The assumption that a religiously endowed person is an automatically competent marriage counsellor should be reviewed by the managerial structures of the religious organisations and mosques. Effective counselling requires specific skills that are acquired through specialist training. This training must be made available to all those working in the field. A classification system could be instituted in the community, whereby people are trained either as professional counsellors who deal with all types of conflict, or as referral agents who are trained to diffuse a crisis and deal with a distressed couple up to a specific point. This training could be expanded to empower the religious leader/worker with general therapeutic skills to effectively deal with other types of emotionally laden situations, such as grief counselling. Sharpening the skills of the marriage counsellor would remedy the present situation where a

perceived 'conveyer-belt' exists. Marriage counselling should be utilised to counsel and reconcile as a first step. If the counsellors were empowered with the necessary counselling skills, this primary goal would be easier to achieve. In addition, establishing a communal network of competent referral agencies should alleviate the bottle-neck presently experienced by Muslim marital agencies.

### 5.3.1.5 *Premarital pregnancy*

Societal norms dictate that a couple get married as soon as a premarital pregnancy is detected.

This study has identified premarital programmes for the prospective spouses are scarce. It is strongly recommended that the couple attend the premarital programme until the marriage officer is satisfied with the programme, if necessary. The marriage officer could refuse to issue a marriage certificate until the premarital programme certificate is produced. A more realistic approach would be not to force the pregnant couple to get married and allow the relationship to continue as normal. A hasty and quick marriage to 'make things right' to save the families' reputation, is a far more difficult price to pay than to allow two individuals to enter into a destructive and doomed relationship.

### 5.3.1.6 *Areas of future research*

During the study, several knowledge gaps in the study as well as in the general population of the Muslim community in the Cape Town area were found. Among these are:

A general demographic study needs to be designed that will incorporate both divorced and married couples. The researchers could then extrapolate statistically relevant findings from the divorced group and compare it to the general population.

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<sup>44</sup> Religious bodies should instruct its members not to marry a convert without certification

An exploratory study using qualitative methods such as in-depth interviews, focus groups and psychometric testing, can be designed and administered to a smaller divorced group to test for specific psychological and sociological factors relating to the divorce process. The three areas that need theoretical attention are the following:

The divorce decision-making process. This process could be grounded in existing theoretical frameworks such as the Social Exchange, Attachment and Cognitive Dissonance theories.

This approach could assist programme designers in understanding the psychological and attitudinal make-up of the population better and therefore help to shape the programmes in a more proactive manner.

The actual divorce procedure. A case-study method should be used to record the subjective experiences of couples during this period. Interviews should also be conducted with divorce counsellors and judges to record their attitudes and possible prejudices that might hamper the process. This information should then be used to improve and restructure the process in order to make it more couple-friendly.

Post-divorce adjustment: This is the most neglected area of research in the community. There are no communal structures to assist divorced couples and children. A needs assessment need to be done with affected couples in order to design these structures effectively.

Intervention programmes on the issues mentioned in Section 5.3.1 must be designed, implemented and assessed using sound intervention methodology. All role-players need to be consulted and co-opted into these programmes to ensure their success.

A programme to design, store and maintain a communal register needs to be undertaken. Data such as births and deaths, marriage and divorce, and other demographic markers such as

levels of education, employment, economic power and other factors need to be collected and stored in a central register. This would affect policy-making processes and planning for the community.

### **5.3.3 Conclusion**

In light of numerous empirical difficulties facing this study, such as a reliance on subjective reporting of interviewers and a paucity of first-hand information in the archive records and the inability for the findings of this study to be expanded to the general population, it is important to evaluate the study on the basis of the research questions it intended to answer. This evaluation has to take into consideration that these questions were formulated and governed, largely, by the information that was available in the archives. Any queries beyond this source, how legitimate and relevant they may seem in understanding the study population, were not possible without relying on other qualitative methods of investigation. This paper should be seen as merely an introduction to this complex area of study. The questions this study was able to answer were around the demographic nature of the study participants. It intended to look at ages of the various groups, how gender played its role in divorce dynamics, whether they were employed, where they came from and whether they were converts or not. Questions about the states of marriages included whether children were present, and if so, how many; how long the marriage survived before the first divorce application was lodged; if there was a separation before the divorce and if the marriage was the result of a pre-marital pregnancy. The queries about the divorce process were many: How long the process took, in duration as well as amount of counselling sessions; counselling attendance; divorce referral agencies; what the first and second reasons were for seeking divorces and what the official outcomes were of the applications. These findings looked at how they differed between the MJC and the NUC and they were looked at longitudinally from 1994 to 1999. The study set out to answer

the questions who and when and it hoped that it will assist other studies to ask how and why.

During the preliminary analysis of the data, three trends became apparent: The high incidences of religious converts and marriages with pre-marital pregnancies and the high divorce reversal. The study looked at all three in relation to other relative data. The study found the population of this study generally in line with other studies conducted elsewhere in the country and the world. Applicants were mainly women, the ages were in the high twenties and they were married for less than five years. They have one child, are generally in the lower-income categories and come from crowded low-income urban areas. They are usually separated before the divorce and the reasons for divorce range mainly from marital infidelity, spousal violence and drug abuse to incompatibility and basic unhappiness.

The areas of interest in the study are the high religious convert ratio among the participants, the high incidence of premarital pregnancies among the divorcing spouses and the level of divorce turnovers given by the divorce judges in the study.

The quick divorce process, both in duration and amount of counselling sessions, is a source of concern from a counselling and therapeutic point of view. This phenomenon is especially prevalent at the MJC.

The study ventured into making concrete suggestions to address some of the problems facing the marital counselling field, as well as to empower couples with appropriate skills to help them through difficulties in their marriages. These suggestions will need a concerted effort from community structures to succeed.

In the light of these findings, premarital counselling and family life education planning would do well to focus upon marital duration rather than merely divorce rates. Further research using

marital duration as a dependent variable may help to educate people as to what to expect vis-à-vis the 'career' of marriage. Couples may need to become more aware of the changing fortunes of marriage over the years, and the possible need to redefine the marriage relationship to better adapt to these changes.

It is hoped that these findings have heuristic value for researchers, family life educators, and premarital and marital counsellors. The ultimate aim of this type of research is to suggest ways to improve our communities and society. If nothing else, I hope this study has pointed to some of the avenues to do this.

[wa-Allaahu a'lam (and God knows Best)]



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## APPENDIX ONE: GLOSSARY OF TERMS

Below is a list of Arabic terms that are either legalistic or cultural in nature:

- Aalim : (p. Ulama) a person proficient in Islamic studies
- Fasakh : a female-initiated divorce. This is done by applying to a Islamic law judge for a divorce decree. This decree is issued at the discretion of the judge.
- Gatiep : an assistant imam
- Halaal : religiously allowed
- Haraam : religiously prohibited
- Iddah : This is a period immediately following the divorce decree that has a dual purpose: It serves as a waiting period for a divorced woman before she can consider other marriage proposals. It consists of three menstrual cycles to make sure that she is not pregnant from the previous union, and in the case of a menopausal woman, three lunar months. The other purpose for this period is that it serves as a cooling-off period for both spouses to reconsider their decision to separate. The husband may revoke his divorce decree within this period, with the consent of the wife, without any punitive measures.<sup>45</sup> In the case of a 'fasakh', no reconciliation is allowed from both parties, and the husband, along with other suitors, are then free to propose to her for her hand in marriage. If she accepts the husband's proposal, it must be done with a new marriage contract after the iddah period has expired.
- Imam : a religious leader of a mosque or a congregation. (See Sheikh, below).
- Mu-azzin : the person who delivers the call to prayer or 'Athaan'

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<sup>45</sup> For exceptions, see pages 14-15

- Qadi : a judge in Islamic jurisprudence
- Shari'ah : Islamic law
- Sheikh : a religious leader. There is a difference in the social standing between a sheikh and an imam. The former is regarded more highly than the latter, because a sheikh has gone to one of the Islamic learning centres abroad to study (predominantly in the Arabian Peninsula or other Arab countries such as Egypt). They are normally fluent in the Arabic language and are considered experts in the various fields of Islamic theology. An imam, on the other hand, has only studied locally under the tutelage of one of the sheikhs.
- Shuyookh : plural of sheikh
- Talaq : A male-initiated divorce. This can be done as a unilateral divorce with the pronouncement of a 'divorce decree' [I divorce you] to the wife, in the presence of one male witness.

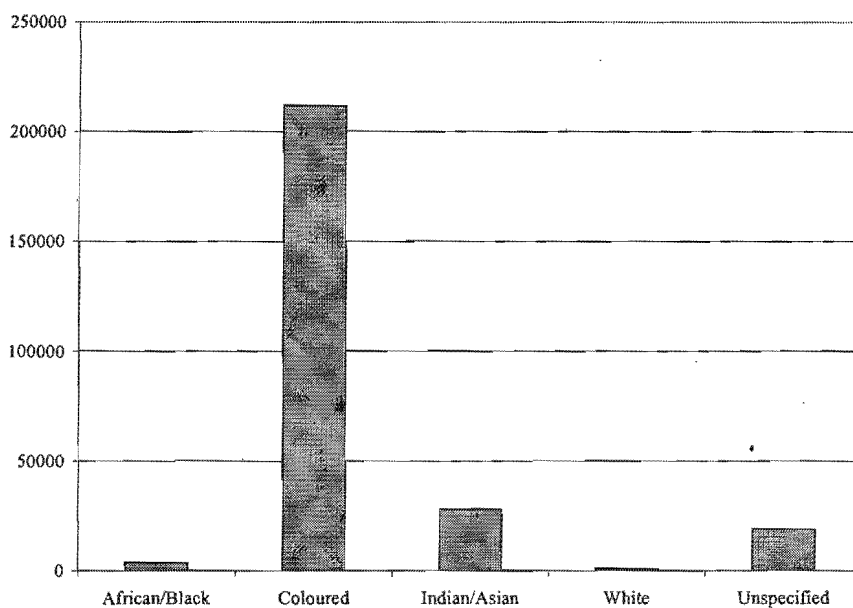
## APPENDIX TWO: TABLES AND GRAPHS

### A) Overall impression

Table 22: Geographic spread of the sample in some areas of Cape Town

Suburbs in the greater Cape Town areas	Frequency of participants' residences areas within divorce population	% of cases within divorce population	Muslim population of area	Total population of area	% Muslim of area	% Muslims of total Muslim population in Western Cape
Athlone	57	9.5	29092	83522	34.83	12.55
Belhar	11	1.83	4977	48418	10.28	2.15
Bonteheuwel	29	4.83	12377	43892	28.20	5.34
Cape Town	31	5.17	17877	69124	25.86	7.71
Delft	24	4	5112	34310	14.90	2.20
Elsies River	17	2.83	604	45643	1.32	0.26
Grassy Park	45	7.5	10154	42298	24.00	4.38
Hanover Park	36	6	10809	29643	36.46	4.66
Heideveld	15	2.5	5052	17384	29.06	2.18
Kensington	11	1.83	6321	25277	25.01	2.73
Lansdowne	13	2.17	7859	25394	32.22	3.39
Manenberg	25	4.17	15794	45085	35.03	6.81
Mitchells Plain	194	32.33	58295	234937	24.81	25.14
Parkwood Estate	9	1.5	2880	11734	24.54	1.24
Retreat	21	3.5	8613	63766	13.51	3.71
Steenberg	12	2	7590	67433	11.26	3.26
Surrey Estate	16	2.67	7768	15361	50.57	3.35
Wynberg	21	3.5	8153	86738	9.40	3.52
Outside CT	2	.33	N/A	N/A	N/A	N/A
Boland	11	1.83	12560	588602	2.13	5.42
<b>Total</b>	<b>600</b>	<b>100</b>	<b>231887</b>	<b>1578561</b>	<b>N/A</b>	

**Racial distribution of Muslims in Western Cape**



**Figure 79: Ethnic Distribution of Muslims in the Western Cape**

Source: South African Census, 1996

## **B) The divorce applicant**

### *Demographic trends*

**Table 23: Applicant's age category**

Applicant's Ages	Frequency	Percent
-20	7	1.2
20-24	113	18.8
25-29	164	27.3
30-34	113	18.8
35-39	90	15.0
40-44	52	8.7
45-49	33	5.5
50-54	17	2.8
55-59	7	1.2
60-64	1	.2
65-69	2	.3
75+	1	.2
Total	600	100.0

Table 24: Applicant's gender status

Gender	Frequency	Percent
Male	143	23.8
Female	457	76.2
Total	600	100.0

Table 25: Applicant's convert status

Convert status	Frequency	Percent
Yes	134	22.3
No	466	77.7
Total	600	100.0

Table 26: Applicant's work status

Categories <sup>46</sup>	Frequency	Percent
Unemployed	237	39.5
Unskilled	51	8.5
Semi-skilled	164	27.3
Skilled	125	20.8
Professional	23	3.8
Total	600	100.0

Table 27: Applicant's area of residence

Area	Frequency	Percent
Mitchells Plain	194	32.3
Athlone	57	9.5
Grassy Park	45	7.5
Hanover Park	36	6.0
Cape Town	31	5.2
Bonteheuwel	29	4.8
Manenberg	25	4.2
Delft	24	4.0
Retreat	21	3.5
Wynberg	21	3.5
Elsies River	17	2.8
Surrey Estate	16	2.7
Heideveld	15	2.5
Lansdowne	13	2.2
Steenberg	12	2.0
Belhar	11	1.8
Kensington	11	1.8
Boland	11	1.8
Parkwood Estate	9	1.5
Outside CT	2	.3
Total	600	100.0

<sup>46</sup> For an overview of the protocols of the work-categories, see section 3.4.2



*Cross-tabulation of demographic data*

**Table 28: Comparison of the gender of the applicant and their age**

		Applicant's Gender		Total
		Male	Female	
Applicant's Age	-20	0	7	7
Category	20-24	26	87	113
	25-29	43	121	164
	30-34	27	86	113
	35-39	22	68	90
	40-44	10	42	52
	45-49	7	26	33
	50-54	6	11	17
	55-59	1	6	7
	60-64	0	1	1
	65-69	0	2	2
	75+	1	0	1
Total		143	457	600

**Table 29: Comparison of the applicant's convert status and work category**

		Applicant's Convert Status		Total
		Yes	No	
Applicant's	Unemployed	51	186	237
Work Category	Unskilled	12	39	51
	Semi-skilled	39	125	164
	Skilled	27	98	125
	Professional	5	18	23
Total		134	466	600

Table 30: Comparison between the applicant's age and convert status

		Applicant's Convert Status		Total
		Yes	No	
Applicant's Age	-20	2 (28.6%)	5 (71.4%)	7 (1.2%)
Category	20-24	21 (18.6%)	92 (81.4%)	113 (18.8%)
	25-29	31 (18.9%)	133 (81.1%)	164 (27.3%)
	30-34	25 (22.1%)	88 (77.9%)	113 (18.8%)
	35-39	19 (21.1%)	71 (78.9%)	90 (15.0%)
	40-44	17 (32.7%)	35 (67.3%)	52 (8.7%)
	45-49	10 (30.3%)	23 (69.7%)	33 (5.5%)
	50-54	5 (29.4%)	12 (70.6%)	17 (2.8%)
	55-59	2 (28.6%)	5 (71.4%)	7 (1.2%)
	60-64	1 (100.0%)	0 (0%)	1 (0.2%)
	65-69	1 (50.0%)	1 (50.0%)	2 (0.3%)
	75+	0 (0%)	1 (100.0%)	1 (.2%)
Total		134 (22.3%)	466 (77.7%)	600 (100%)

Table 31: Relationship between the applicant's convert status and residential area

		Applicant's Convert Status				Total	
		Yes		No		N	% within Sample
		N	% within Sample	N	% within Sample		
Applicant's Residence Zone	Athlone	9 (15.8%)	6.7%	48 (84.2%)	10.3%	57	9.5%
	Belhar	3 (27.3%)	2.2%	8 (72.7%)	1.7%	11	1.8%
	Bonteheuwel	5 (17.2%)	3.7%	24 (82.8%)	5.2%	29	4.8%
	Cape Town	4 (12.9%)	3.0%	27 (87.1%)	5.8%	31	5.2%
	Delft	9 (37.5%)	6.7%	15 (62.5%)	3.2%	24	4.0%
	Elsies River	5 (29.4%)	3.7%	12 (70.6%)	2.6%	17	2.8%
	Grassy Park	12 (26.7%)	9.0%	33 (73.3%)	7.1%	45	7.5%
	Hanover Park	8 (22.2%)	6.0%	28 (77.8%)	6.0%	36	6.0%
	Heideveld	4 (26.7%)	3.0%	11 (73.3%)	2.4%	15	2.5%
	Kensington	1 (9.1%)	.7%	10 (90.9%)	2.1%	11	1.8%
	Lansdowne	0 (0%)		13 (100.0%)	2.8%	13	2.2%
	Manenberg	8 (32.0%)	6.0%	17 (68.0%)	3.6%	25	4.2%
	Mitchells Plain	45 (23.2%)	33.6%	149 (76.8%)	32.0%	194	32.3%
	Parkwood Estate	2 (22.2%)	1.5%	7 (77.8%)	1.5%	9	1.5%
	Retreat	8 (38.1%)	6.0%	13 (61.9%)	2.8%	21	3.5%
	Steenberg	2 (16.7%)	1.5%	10 (83.3%)	2.1%	12	2.0%
	Surrey Estate	5 (31.3%)	3.7%	11 (68.8%)	2.4%	16	2.7%
	Wynberg	2 (9.5%)	1.5%	19 (90.5%)	4.1%	21	3.5%
	Outside CT	0 (0%)		2 (100.0%)	.4%	2	.3%
	Boland	2 (18.2%)	1.5%	9 (81.8%)	1.9%	11	1.8%
	Total	134 (22.3%)	100.0%	466 (77.7%)	100.0%	600	100.0%

Table 32: Relationship between the applicant's convert status and gender status

		Applicant's Convert Status				Total	
		Yes		No		N	% of sample
		N	% of sample	N	% of sample		
Applicant's Gender	Male	20 (14.0%)	14.9%	123 (86.0%)	26.4%	143	23.8%
	Female	114 (24.9%)	85.1%	343 (75.1%)	73.6%	457	76.2%
Total		134 (22.3%)	100.0%	466 (77.7%)	100.0%	600	100.0%

Table 33: Relationship between the applicant's convert status and work categories

		Applicant's Convert Status				Total	
		Yes		No		N	% within Sample
		N	% within Sample	N	% within Sample		
Applicant's Work Category	Unemployed	51 (21.5%)	38.1%	186 (78.5%)	39.9%	237	39.5%
	Unskilled	12 (23.5%)	9.0%	39 (76.5%)	8.4%	51	8.5%
	Semi-skilled	39 (23.8%)	29.1%	125 (76.2%)	26.8%	164	27.3%
	Skilled	27 (21.6%)	20.1%	98 (78.4%)	21.0%	125	20.8%
	Professional	5 (21.7%)	3.7%	18 (78.3%)	3.9%	23	3.8%
Total		134 (22.3%)	100.0%	466 (77.7%)	100.0%	600	100.0%

Table 34: Relationship between the applicant's gender status and work categories

		Applicant's Gender				Total	
		Male		Female		N	% within Sample
		N	% within Sample	N	% within Sample		
Applicant's Work Category	Unemployed	27 (11.4%)	18.9%	210 (88.6%)	46.0%	237	39.5%
	Unskilled	12 (23.5%)	8.4%	39 (76.5%)	8.5%	51	8.5%
	Semi-skilled	57 (34.8%)	39.9%	107 (65.2%)	23.4%	164	27.3%
	Skilled	40 (32.0%)	28.0%	85 (68.0%)	18.6%	125	20.8%
	Professional	7 (30.4%)	4.9%	16 (69.6%)	3.5%	23	3.8%
Total		143 (23.8%)	100.0%	457 (76.2%)	100.0%	600	100.0%

Table 35: Relationship between the applicant's gender status and area of residence

		Applicant's Gender				Total	
		Male		Female		N	% within Sample
		N	% within Sample	N	% within Sample		
Applicant's Residence Zone	Athlone	19 (33.3%)	13.3%	38 (66.7%)	8.3%	57	9.5%
	Belhar	3 (27.3%)	2.1%	8 (72.7%)	1.8%	11	1.8%
	Bonteheuwel	7 (24.1%)	4.9%	22 (75.9%)	4.8%	29	4.8%
	Cape Town	5 (16.1%)	3.5%	26 (83.9%)	5.7%	31	5.2%
	Delft	5 (20.8%)	3.5%	19 (79.2%)	4.2%	24	4.0%
	Elsies River	4 (23.5%)	2.8%	13 (76.5%)	2.8%	17	2.8%
	Grassy Park	9 (20.0%)	6.3%	36 (80.0%)	7.9%	45	7.5%
	Hanover Park	9 (25.0%)	6.3%	27 (75.0%)	5.9%	36	6.0%
	Heideveld	3 (20.0%)	2.1%	12 (80.0%)	2.6%	15	2.5%
	Kensington	4 (36.4%)	2.8%	7 (63.6%)	1.5%	11	1.8%
	Lansdowne	4 (30.8%)	2.8%	9 (69.2%)	2.0%	13	2.2%
	Manenberg	4 (16.0%)	2.8%	21 (84.0%)	4.6%	25	4.2%
	Mitchells Plain	50 (25.8%)	35.0%	144 (74.2%)	31.5%	194	32.3%
	Parkwood Estate	1 (11.1%)	.7%	8 (88.9%)	1.8%	9	1.5%
	Retreat	4 (19.0%)	2.8%	17 (81.0%)	3.7%	21	3.5%
	Steenberg	3 (25.0%)	2.1%	9 (75.0%)	2.0%	12	2.0%
	Surrey Estate	3 (18.8%)	2.1%	13 (81.3%)	2.8%	16	2.7%
	Wynberg	4 (19.0%)	2.8%	17 (81.0%)	3.7%	21	3.5%
	Outside CT	0 (0%)		2 (100.0%)	.4%	2	.3%
	Boland	2 (18.2%)	1.4%	9 (81.8%)	2.0%	11	1.8%
Total		143 (23.8%)	100.0%	457 (76.2%)	100.0%	600	100.0%

Table 36: Relationship between the applicant's gender status and type of divorce referral agency

		Applicant's Gender				Total	
		Male		Female		N	% within Sample
		N	% within Sample	N	% within Sample		
Divorce Referral Agency (type)	None	119 (23.1%)	83.2%	396 (76.9%)	86.7%	515	85.8%
	Local Imam	18 (40.0%)	12.6%	27 (60.0%)	5.9%	45	7.5%
	Marital Agency	1 (4.8%)	.7%	20 (95.2%)	4.4%	21	3.5%
	Community Agency	5 (26.3%)	3.5%	14 (73.7%)	3.1%	19	3.2%
	Agency						
Total		143 (23.8%)	100.0%	457 (76.2%)	100.0%	600	100.0%

*Trends over the six-year period from 1994 to 1999*

**Table 37: Applicant's age categories from 1994 to 1999**

	Divorce - Year of Divorce						Total
	1994	1995	1996	1997	1998	1999	
<b>Applicant's Age Category</b>							
-20	1		2	1	1	2	7
20-24	28	19	17	12	16	21	113
25-29	20	31	31	22	36	24	164
30-34	21	21	15	22	17	17	113
35-39	10	10	15	17	14	24	90
40-44	10	7	11	13	7	4	52
45-49	6	6	4	7	6	4	33
50-54	2	4	2	5	2	2	17
55-59	2	2	2	1			7
60-64			1				1
65-69					1	1	2
75+						1	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>600</b>

**Table 38: Applicant's gender status from 1994 to 1999**

Year of Divorce	Applicant's gender	Frequency	Percent
1994	Male	23	23.0
	Female	77	77.0
	Total	100	100.0
1995	Male	25	25.0
	Female	75	75.0
	Total	100	100.0
1996	Male	19	19.0
	Female	81	81.0
	Total	100	100.0
1997	Male	21	21.0
	Female	79	79.0
	Total	100	100.0
1998	Male	29	29.0
	Female	71	71.0
	Total	100	100.0
1999	Male	26	26.0
	Female	74	74.0
	Total	100	100.0

Table 39: Applicant's convert status from 1994 to 1999

Year of Divorce	Convert Status	Frequency	Percent
1994	Yes	23	23.0
	No	77	77.0
	Total	100	100.0
1995	Yes	20	20.0
	No	80	80.0
	Total	100	100.0
1996	Yes	23	23.0
	No	77	77.0
	Total	100	100.0
1997	Yes	21	21.0
	No	79	79.0
	Total	100	100.0
1998	Yes	24	24.0
	No	76	76.0
	Total	100	100.0
1999	Yes	23	23.0
	No	77	77.0
	Total	100	100.0

Table 40: Applicant's work categories from 1994 to 1999

Year of Divorce	Applicant's Work Category	Frequency	Percent
1994	Unemployed	38	38.0
	Unskilled	10	10.0
	Semi-skilled	28	28.0
	Skilled	21	21.0
	Professional	3	3.0
	Total	100	100.0
1995	Unemployed	43	43.0
	Unskilled	7	7.0
	Semi-skilled	29	29.0
	Skilled	19	19.0
	Professional	2	2.0
	Total	100	100.0
1996	Unemployed	41	41.0
	Unskilled	10	10.0
	Semi-skilled	28	28.0
	Skilled	16	16.0
	Professional	5	5.0
	Total	100	100.0
1997	Unemployed	32	32.0
	Unskilled	7	7.0
	Semi-skilled	22	22.0
	Skilled	31	31.0
	Professional	8	8.0
	Total	100	100.0
1998	Unemployed	39	39.0
	Unskilled	12	12.0

1999	Semi-skilled	27	27.0
	Skilled	19	19.0
	Professional	3	3.0
	<b>Total</b>	<b>100</b>	<b>100.0</b>
	Unemployed	44	44.0
	Unskilled	5	5.0
	Semi-skilled	30	30.0
	Skilled	19	19.0
	Professional	2	2.0
	<b>Total</b>	<b>100</b>	<b>100.0</b>

*Trends between the MJC and the NUC divorce applicants*

**Table 41: Comparative age groups of the MJC and the NUC divorce applicants**

	Percent (%)	
	the MJC	the NUC
-20	1.3	0
20-24	20.4	8.8
25-29	27.7	25.0
30-34	19.2	16.3
35-39	13.5	25.0
40-44	8.5	10.0
45-49	4.8	10.0
50-54	2.7	3.8
55-59	1.2	1.3
60-64	.2	0
65-69	.4	0
75+	.2	0
<b>Total</b>	<b>100.0</b>	<b>100</b>

**Table 42: Comparative gender status of the MJC and the NUC divorce applicants**

		Divorce Agency		Total
		the MJC	the NUC	
Applicant's Gender	<b>Male</b>	134	9	143
		25.8%	11.3%	23.8%
	<b>Female</b>	386	71	457
		74.2%	88.8%	76.2%
<b>Total</b>		<b>520</b>	<b>80</b>	<b>600</b>

Table 43: Comparative convert statuses of the MJC and the NUC divorce applicants

		Divorce Agency		Total
		the MJC	the NUC	
Applicant's Convert Status	Yes	115 22.1%	19 23.8%	134 22.3%
	No	405 77.9%	61 76.3%	466 77.7%
Total		520	80	600

Table 44: Comparative residential areas of the MJC and the NUC divorce applicants

Applicant's Residence Zone	Divorce Agency		Total
	the MJC	the NUC	
Athlone	50 (9.6%)	7 (8.8%)	57 (9.5%)
Belhar	7 (1.3%)	4 (5.0%)	11 (1.8%)
Bonteheuvel	23 (4.4%)	6 (7.5%)	29 (4.8%)
Cape Town	29 (5.6%)	2 (2.5%)	31 (5.2%)
Delft	21 (4.0%)	3 (3.8%)	24 (4.0%)
Elsies River	17 (3.3%)		17 (2.8%)
Grassy Park	34 (6.5%)	11 (13.8%)	45 (7.5%)
Hanover Park	36 (6.9%)		36 (6.0%)
Heideveld	14 (2.7%)	1 (1.3%)	15 (2.5%)
Kensington	9 (1.7%)	2 (2.5%)	11 (1.8%)
Lansdowne	10 (1.9%)	3 (3.8%)	13 (2.2%)
Manenberg	22 (4.2%)	3 (3.8%)	25 (4.2%)
Mitchells Plain	170 (32.7%)	24 (30.0%)	194 (32.3%)
Parkwood Estate	8 (1.5%)	1 (1.3%)	9 (1.5%)
Retreat	19 (3.7%)	2 (2.5%)	21 (3.5%)
Steenberg	9 (1.7%)	3 (3.8%)	12 (2.0%)
Surrey Estate	14 (2.7%)	2 (2.5%)	16 (2.7%)
Wynberg	19 (3.7%)	2 (2.5%)	21 (3.5%)
Outside CT	1 (2%)	1 (1.3%)	2 (3%)
Total	520	80	600



### C) The divorce respondent

#### *Demographic trends*

**Table 45: Respondent's Age Categories**

Respondent's Ages	Frequency	Percent
-20	11	1.8
20-24	82	13.7
25-29	135	22.5
30-34	131	21.8
35-39	98	16.3
40-44	74	12.3
45-49	32	5.3
50-54	21	3.5
55-59	8	1.3
60-64	5	.8
65-69	2	.3
70-74	1	.2
Total	600	100.0

**Table 46: Convert Status of respondents**

Respondent's Convert Status	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	182	30.3	30.3	30.3
No	418	69.7	69.7	100.0
Total	600	100.0	100.0	

**Table 47: Work Status of respondent**

Respondent's Work Category	Frequency	Percent	Valid Percent	Cumulative Percent
Unemployed	217	36.2	36.2	36.2
Unskilled	50	8.3	8.3	44.5
Semi-skilled	201	33.5	33.5	78.0
Skilled	112	18.7	18.7	96.7
Professional	20	3.3	3.3	100.0

**Table 48: Respondent's Convert Status**

Respondent's Convert Status	Frequency	Percent
Yes	182	30.3
No	418	69.7
Total	600	100.0

Table 49: Respondent's Work Category

Respondent's Work Category	Frequency	Percent
Unemployed	217	36.2
Unskilled	50	8.3
Semi-skilled	201	33.5
Skilled	112	18.7
Professional	20	3.3
Total	600	100.0

*Comparisons of demographic trends*

Table 50: Comparison between the respondent's age category and convert status

		Respondent's Convert Status				Total	%
		Yes	%	No	%		
Respondent's Age Category	-20	4	2.2%	7	1.7%	11	1.8%
	20-24	23	12.6%	59	14.1%	82	13.7%
	25-29	43	23.6%	92	22.0%	135	22.5%
	30-34	31	17.0%	100	23.9%	131	21.8%
	35-39	34	18.7%	64	15.3%	98	16.3%
	40-44	32	17.6%	42	10.0%	74	12.3%
	45-49	7	3.8%	25	6.0%	32	5.3%
	50-54	5	2.7%	16	3.8%	21	3.5%
	55-59	1	.5%	7	1.7%	8	1.3%
	60-64	1	.5%	4	1.0%	5	.8%
	65-69			2	.5%	2	.3%
	70-74	1	.5%			1	.2%
Total		182	100.0%	418	100.0%	600	100.0%

Table 51: Comparison between the respondent's age category and convert status

		Respondent's Convert Status		Total
		Yes	No	
Respondent's Age Category	-20	4	7	11
		2.2%	1.7%	1.8%
	20-24	23	59	82
		12.6%	14.1%	13.7%
	25-29	43	92	135
		23.6%	22.0%	22.5%
	30-34	31	100	131
		17.0%	23.9%	21.8%
	35-39	34	64	98
		18.7%	15.3%	16.3%
	40-44	32	42	74
		17.6%	10.0%	12.3%
	45-49	7	25	32
		3.8%	6.0%	5.3%
	50-54	5	16	21

		2.7%	3.8%	3.5%
	55-59	1	7	8
		.5%	1.7%	1.3%
	60-64	1	4	5
		.5%	1.0%	.8%
	65-69		2	2
			.5%	.3%
	70-74	1		1
		.5%		.2%
Total		182	418	600
		100.0%	100.0%	100.0%

Table 52: Comparison between the respondent's age category and gender status

	Respondent's Gender						Total	
	Male			Female			N	% within Respondent's Gender
	N	% within Respondent's Gender	% within Respondent's Age Category	N	% within Respondent's Gender	% within Respondent's Age Category		
<b>-20</b>	3	.7%	27.3%	8	5.6%	72.7%	11	1.8%
<b>20-24</b>	53	11.6%	64.6%	29	20.3%	35.4%	82	13.7%
<b>25-29</b>	98	21.4%	72.6%	37	25.9%	27.4%	135	22.5%
<b>30-34</b>	101	22.1%	77.1%	30	21.0%	22.9%	131	21.8%
<b>35-39</b>	85	18.6%	86.7%	13	9.1%	13.3%	98	16.3%
<b>40-44</b>	59	12.9%	79.7%	15	10.5%	20.3%	74	12.3%
<b>45-49</b>	26	5.7%	81.3%	6	4.2%	18.8%	32	5.3%
<b>50-54</b>	18	3.9%	85.7%	3	2.1%	14.3%	21	3.5%
<b>55-59</b>	6	1.3%	75.0%	2	1.4%	25.0%	8	1.3%
<b>60-64</b>	5	1.1%	100.0%	0	0%	0%	5	.8%
<b>65-69</b>	2	.4%	100.0%	0	0%	0%	2	.3%
<b>70-74</b>	1	.2%	100.0%	0	0%	0%	1	.2%
<b>Total</b>	<b>457</b>	<b>100.0%</b>	<b>76.2%</b>	<b>143</b>	<b>100.0%</b>	<b>23.8%</b>	<b>600</b>	<b>100.0%</b>

**Table 53: Comparison of respondent's convert status and gender status**

			Respondent's Gender		Total
			Male	Female	
Respondent's Convert Status	Yes	Count	126	56	182
		% within Respondent's Convert Status	69.2%	30.8%	100.0%
		% within Respondent's Gender	27.6%	39.2%	30.3%
	No	Count	331	87	418
		% within Respondent's Convert Status	79.2%	20.8%	100.0%
		% within Respondent's Gender	72.4%	60.8%	69.7%
Total	Count	457	143	600	
	% within Respondent's Convert Status	76.2%	23.8%	100.0%	
	% within Respondent's Gender	100.0%	100.0%	100.0%	

**Table 54: Comparison of the respondent's age and work categories**

		Respondent's Work Category					Total
		Unemployed	Unskilled	Semi-skilled	Skilled	Professional	
Respondent's Age Category	-20	9 (81.8%)	1 (9.1%)	1 (9.1%)			11
	20-24	39 (47.6%)	5 (6.1%)	25 (30.5%)	13 (15.9%)		82
	25-29	51 (37.8%)	9 (6.7%)	45 (33.3%)	27 (20.0%)	3 (2.2%)	135
	30-34	45 (34.4%)	10 (7.6%)	39 (29.8%)	33 (25.2%)	4 (3.1%)	131
	35-39	33 (33.7%)	9 (9.2%)	37 (37.8%)	15 (15.3%)	4 (4.1%)	98
	40-44	18 (24.3%)	6 (8.1%)	32 (43.2%)	13 (17.6%)	5 (6.8%)	74
	45-49	10 (31.3%)	2 (6.3%)	10 (31.3%)	6 (18.8%)	4 (12.5%)	32
	50-54	7 (33.3%)	1 (4.8%)	10 (47.6%)	3 (14.3%)		21
	55-59	3 (37.5%)	1 (12.5%)	2 (25.0%)	2 (25.0%)		8
	60-64	2 (40.0%)	3 (60.0%)				5
	65-69		2 (100.0%)				2
	70-74		1 (100%)				1
Total		217 (36.2%)	50 (8.3%)	201 (33.5%)	112 (18.7%)	20 (3.3%)	600

Table 55: Comparison of the respondent's gender status and work categories

		Respondent's Work Category					Total
		Unemployed	Unskilled	Semi-skilled	Skilled	Professional	
Respondent's Male Gender	Count	138	46	171	89	13	457
	% within Respondent's Gender	30.2%	10.1%	37.4%	19.5%	2.8%	100.0%
	% within Respondent's Work Category	63.6%	92.0%	85.1%	79.5%	65.0%	76.2%
	Female Count	79	4	30	23	7	143
	% within Respondent's Gender	55.2%	2.8%	21.0%	16.1%	4.9%	100.0%
	% within Respondent's Work Category	36.4%	8.0%	14.9%	20.5%	35.0%	23.8%
Total	Count	217	50	201	112	20	600
	% within Respondent's Gender	36.2%	8.3%	33.5%	18.7%	3.3%	100.0%
	% within Respondent's Work Category	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 56: Comparison of the respondent's gender status and age categories

		Respondent's Age Category												Total
		-20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	
Respondent's Male Gender	Count	3	53	98	101	85	59	26	18	6	5	2	1	457
	% within Respondent's Gender	.7%	11.6%	21.4%	22.1%	18.6%	12.9%	5.7%	3.9%	1.3%	1.1%	.4%	.2%	100.0%
	% within Respondent's Age Category	27.3%	64.6%	72.6%	77.1%	86.7%	79.7%	81.3%	85.7%	75.0%	100.0%	100.0%	100.0%	76.2%
	Female Count	8	29	37	30	13	15	6	3	2				143
	% within Respondent's Gender	5.6%	20.3%	25.9%	21.0%	9.1%	10.5%	4.2%	2.1%	1.4%				100.0%
	% within Respondent's Age Category	72.7%	35.4%	27.4%	22.9%	13.3%	20.3%	18.8%	14.3%	25.0%				23.8%
Total	Count	11	82	135	131	98	74	32	21	8	5	2	1	600
	% within Respondent's Gender	1.8%	13.7%	22.5%	21.8%	16.3%	12.3%	5.3%	3.5%	1.3%	.8%	.3%	.2%	100.0%
	% within Respondent's Age Category	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 57: Comparison of the respondent's convert status and work categories

		Respondent's Work Category					Total
		Unemployed	Unskilled	Semi-skilled	Skilled	Professional	
Respondent's Convert Status	Yes	70	11	66	30	5	182
		38.5%	6.0%	36.3%	16.5%	2.7%	100.0%
	No	147	39	135	82	15	418
Total		35.2%	9.3%	32.3%	19.6%	3.6%	100.0%
		217	50	201	112	20	600

*Trends over the six-year period of the study*

**Table 58: Comparison of respondent's age categories from 1994 to 1999**

		Divorce - Year of Divorce						Total
		1994	1995	1996	1997	1998	1999	
Respondent's age category	-20	5	1	1	1	2	1	11
		45.5%	9.1%	9.1%	9.1%	18.2%	9.1%	100.0%
	20-24	15	14	16	7	18	12	82
		18.3%	17.1%	19.5%	8.5%	22.0%	14.6%	100.0%
	25-29	15	31	19	22	25	23	135
		11.1%	23.0%	14.1%	16.3%	18.5%	17.0%	100.0%
	30-34	27	21	17	22	22	22	131
		20.6%	16.0%	13.0%	16.8%	16.8%	16.8%	100.0%
	35-39	15	13	19	17	14	20	98
		15.3%	13.3%	19.4%	17.3%	14.3%	20.4%	100.0%
	40-44	15	7	14	18	10	10	74
		20.3%	9.5%	18.9%	24.3%	13.5%	13.5%	100.0%
	45-49	3	7	6	6	6	4	32
		9.4%	21.9%	18.8%	18.8%	18.8%	12.5%	100.0%
	50-54	2	5	5	3	2	4	21
		9.5%	23.8%	23.8%	14.3%	9.5%	19.0%	100.0%
	55-59	2	1		1		4	8
		25.0%	12.5%		12.5%		50.0%	100.0%
	60-64	1		2	1	1		5
		20.0%		40.0%	20.0%	20.0%		100.0%
	65-69			1	1			2
				50.0%	50.0%			100.0%
	70-74				1			1
					100.0%			100.0%
Total		100	100	100	100	100	600	

**Table 59: Comparison of respondent's convert status from 1994 to 1999**

		Divorce - Year of Divorce						Total
		1994	1995	1996	1997	1998	1999	
Respondent's Convert Status	Yes	27	34	31	33	35	22	182
		14.8%	18.7%	17.0%	18.1%	19.2%	12.1%	100.0%
	No	73	66	69	67	65	78	418
		17.5%	15.8%	16.5%	16.0%	15.6%	18.7%	100.0%
Total		100	100	100	100	100	100	600



## D) Gender comparisons

Table 61: Distribution table of main age demographics

	Age of Male at Divorce	Age of Female at Divorce	Age of Male at Marriage	Age of Female at Marriage	Age of Male at Parenthood	Age of Female at Parenthood
<b>N</b>	600	600	600	600	494	494
<b>Mean</b>	0	0	0	0	106	106
<b>Std. Deviation</b>	33.91	31.72	25.76	23.58	24.41	22.30
<b>Skewness</b>	9.204	8.894	7.532	7.003	5.033	4.561
<b>Std. Error of Skewness</b>	1.085	.910	2.013	2.084	1.403	1.201
<b>Kurtosis</b>	.100	.100	.100	.100	.110	.110
<b>Std. Error of Kurtosis</b>	1.813	.723	5.283	6.160	2.998	2.068
<b>Range</b>	.199	.199	.199	.199	.219	.219
<b>Minimum</b>	64	53	55	51	36	28
<b>Maximum</b>	19	16	14	14	14	14
	83	69	69	65	50	42

Table 62: Age differences between spouses in relation to the attendance to divorce proceedings

Both spouses present at proceedings	Mean of Age Difference between spouses <sup>47</sup>	N	Std. Deviation
Yes	2.46	270	4.730
No	1.95	330	5.462
Total	2.18	600	5.147

Table 63: Convert status of genders

	Frequency	Percent
N/A	284	47.3
Male	146	24.3
Female	170	28.3
Total	600	100.0

<sup>47</sup> See footnote 18



Table 64: Comparison of male and female job categories

## Crosstabulation of gender job categories

Count		Demographics Male job category					Total
		Unemployed	Unskilled	Semi-skilled	Skilled	Professional	
Demographics_Female job category	Unemployed	79	24	121	57	8	289
	Unskilled	10	16	13	3	1	43
	Semi-skilled	46	11	52	23	5	137
	Skilled	26	5	35	40	2	108
	Professional	4	2	7	6	4	23
Total		165	58	228	129	20	600

*Trends over the six-year period of the study*

Table 65: Comparison of convert status of genders from 1994 to 1999

		Divorce - Year of Divorce						Total
		1994	1995	1996	1997	1998	1999	
Convert status of genders	N/A	50	46	46	46	41	55	284
	Male	17	28	29	24	27	21	146
	Female	33	26	25	30	32	24	170
Total		100	100	100	100	100	100	600

**E) The Marriage***Demographic trends*

Table 66: Incidence of pregnancy at start of marriage

	Frequency	Percent
Yes	342	57.0
No	258	43.0
Total	600	100.0

Table 67: Presence of a religious convert within the study

Religious Convert	Frequency	Percent
Yes	316	52.7
No	284	47.3
Total	600	100.0

Table 68: Presence of children in marital unions

Children	Frequency	Percent
Yes	497	82.8
No	103	17.2
Total	600	100.0

Table 69: Number of children

Children	Frequency	Percent
0	103	17.2
1	182	30.3
2	156	26.0
3	87	14.5
4	42	7.0
5	17	2.8
6	8	1.3
7	2	.3
Total	597	99.5

Table 70: Waiting period before the onset of parenthood

Period before parenthood	Frequency	Percent
N/A	103	17.2
Less than one year	382	63.7
More than one year	115	19.2
Total	600	100.0

Table 71: Incidence of premarital pregnancies from 1994 to 1999

		Divorce - Year of Divorce						Total
		1994	1995	1996	1997	1998	1999	
Premarital Pregnancy	Yes	51 14.9%	62 18.1%	50 14.6%	60 17.5%	61 17.8%	58 17.0%	342 100.0%
	No	49 19.0%	38 14.7%	50 19.4%	40 15.5%	39 15.1%	42 16.3%	258 100.0%
Total		100 16.7%	100 16.7%	100 16.7%	100 16.7%	100 16.7%	100 16.7%	600 100.0%

Table 72: Incidence of convert marriages from 1994 to 1999

		Divorce - Year of Divorce						Total
		1994	1995	1996	1997	1998	1999	
Marriage involving a No Convert	No	50 17.6%	46 16.2%	46 16.2%	46 16.2%	41 14.4%	55 19.4%	284 100.0%
	Yes	50	54	54	54	59	45	316

Total	15.8%	17.1%	17.1%	17.1%	18.7%	14.2%	100.0%
	100	100	100	100	100	100	600
	16.7%	16.7%	16.7%	16.7%	16.7%	16.7%	100.0%

## F) The Divorce

### *Demographic trends*

Table 73: Annual divorce breakdown by month

	Frequency	Percent
JANUARY	33	5.5
FEBRUARY	57	9.5
MARCH	51	8.5
APRIL	45	7.5
MAY	59	9.8
JUNE	60	10.0
JULY	57	9.5
AUGUST	62	10.3
SEPTEMBER	47	7.8
OCTOBER	44	7.3
NOVEMBER	44	7.3
DECEMBER	41	6.8
Total	600	100.0

Table 74: Types of referral agencies

	Frequency	Percent
None	515	85.8
Local Imam	45	7.5
Marital Agency	21	3.5
Community Agency	19	3.2
Total	600	100.0

Table 75: Names of referral organisations

Name of referral organisation	Type	Frequency	Percent
No Referral Organisation		560	93.3
Al-Jaamia Welfare	Community Agency	3	.5
Azaad Race Consultants	Community Agency	4	.7
Beitun-Nur	Community Agency	1	.2
Hanover Park Muslim Jamaa	Community Agency	1	.2
Islamic Social Welfare Association (ISWA)	Marital Agency	20	3.3
Jamiatul Ulama Transvaal	Community Agency	1	.2
Mitchells Plain Islamic Social Welfare Association (MISWA)	Marital Agency	3	.5
Muslim Assembly	Community Agency	5	.8
South African National Zakah Fund	Community Agency	1	.2
Siddiqui Islamic Institute	Community Agency	1	.2
Total		600	100.0

Table 76: Trend of separation among distressed couples

Separated	Frequency	Percent
Yes	424	70.7
No	176	29.3
Total	600	100.0

Table 77: Duration of separation among distressed couples

Duration (in months) of the divorce procedure	Frequency	Percent
0	64	10.7
1	172	28.7
2	92	15.3
3	39	6.5
4	33	5.5
5	24	4.0
6	21	3.5
7	13	2.2
8	10	1.7
9	12	2.0
10	8	1.3
11	6	1.0
12	9	1.5
13-24	44	6.9
25-36	24	3.9
37+	30	5.2
Total	600	100.0

Table 78: Number of years before first divorce application

Years	Frequency	Percent
-1	4	.7
1	72	12.0
2	56	9.3
3	57	9.5
4	34	5.7
5-9	189	31.5
10-14	85	14.2
15-19	58	9.7
20-24	27	4.5
25-29	14	2.3
30+	4	.7
Total	600	100.0

Table 79: Number of consultations

No. of consultations	Frequency	Percent
1	62	10.3
2	129	21.5
3	126	21.0
4	91	15.2
5	64	10.7
6	40	6.7
7	30	5.0
8	28	4.7
9	6	1.0
10	9	1.5
11	7	1.2
12	5	.8
14	3	.5
Total	600	100.0

Table 80: Trend of both spouses at the divorce proceedings

Both spouses present	Frequency	Percent
Yes	270	45.0
No	330	55.0
Total	600	100.0

### *Official status of divorce*

Table 81: Trends of official status of the divorce

Divorce Type	Frequency	Percent
Talaq	345	57.5
Fasakh	255	42.5
Total	600	100.0

Table 82: Comparison of ages of participants and their official status of divorce

Applicant's Gender	Official status of divorce			Respondent's Age Category												N
				-20	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	
Male	Talaq	Applicant's Age Category	20-24	7	12	4										23
			25-29		15	21	5	1								42
			30-34		1	7	13	3	1							25
			35-39			1	7	6	4							18
			40-44				3	1	5	1						10
			45-49				1		2	1						4
			50-54					1	1	1	1					4
			55-59						1							1
			75+									1				1
	Fasakh	Applicant's Age Category	N	7	28	33	29	12	14	3	1	1				128
			20-24	1	1	1										3
			25-29			1										1
			30-34			2										2
			35-39				1	1	1			1				4
			45-49							2	1					3
			50-54							1	1					2
			N	1	1	4	1	1	1	3	2	1				15
Female	Talaq	Applicant's Age Category	-20		3		1								4	
			20-24	2	22	14	7	1	1							47
			25-29		4	29	20	4	2							59
			30-34			5	17	13	4	2	1					42
			35-39				4	16	6	1	1					28
			40-44				1	3	6	3	2				1	16
			45-49						3	5	3	1				12
			50-54							1	3	1				5
			55-59							1			3			4
			N	2	29	48	50	37	22	13	10	2	3		1	217
	Fasakh	Applicant's Age Category	-20	1	2											3
			20-24		20	12	7				1					40
			25-29		1	33	21	5	1			1				62
			30-34		1	3	18	15	6			1				44
			35-39			1	3	21	11	3			1			40
			40-44			1	2	4	14	2	3					26
			45-49					1	4	7	2					14
			50-54					2		1	2			1		6
			55-59						1			1				2
			60-64											1		1
			65-69									1	1			2
			N	1	24	50	51	48	37	13	8	4	2	2		240

Table 83: Frequency of divorce reversals by gender

	Frequency	Percent
No reversal	368	61.3
Female reversal	15	2.5
Male reversal	217	36.2
Total reversal	232	38.7
Total	600	100.0

Table 84: Comparison of divorce reversals and the presence of both spouses at divorce proceedings

Count		Divorce turnovers		Total
		No turnover	Divorce turnover	
Divorce_Both spouses present at proceedings	Yes	107	163	270
	No	261	69	330
Total		368	232	600

Table 85: Age Differences between spouses and the reversal of the type of divorce

Applicant's Gender	Official status of divorce	Mean Ages <sup>48</sup>	N	Std. Deviation
Male	Talaq	1.95	128	4.641
	Fasakh	-.80	15	5.846
	Total	1.66	143	4.832
Female	Talaq	2.53	217	4.701
	Fasakh	2.18	240	5.682
	Total	2.35	457	5.236

<sup>48</sup> Positive numbers represent older males and negative numbers represent older females

**Table 86: Relationship between the applicant's gender and work status and the reversal of the official status of the divorce**

Applicant's Gender			Official status of divorce		Total
			Talaq	Fasakh	
Male	applicant's Work Category	Unemployed	23	4	27
		Unskilled	11	1	12
		Semi-skilled	50	7	57
		Skilled	37	3	40
		Professional	7	0	7
	Total		128	15	143
Female	Applicant's Work Category	Unemployed	96	114	210
		Unskilled	12	27	39
		Semi-skilled	56	51	107
		Skilled	45	40	85
		Professional	8	8	16
	Total		217	240	457

### *Reasons for divorce*

**Table 87: First stated reason for divorce**

		Applicant's Gender		Total
		Male	Female	
First stated reason for divorce	Infidelity-Spouse	25 (20.8%)	95 (79.2%)	120
	Drug Abuse-Spouse	7 (8.0%)	81 (92.0%)	88
	Incompatibility	31 (45.6%)	37 (54.4%)	68
	Physical Abuse-Victim	9 (13.8%)	56 (86.2%)	65
	Abandonment	10 (22.2%)	35 (77.8%)	45
	Other Spouse	10 (25.6%)	29 (74.4%)	39
	Financial Support Problems	0 (0%)	30 (100.0%)	30
	Alcohol-Spouse	5 (20.8%)	19 (79.2%)	24
	In-laws	10 (43.5%)	13 (56.5%)	23
	Apostasy	8 (38.1%)	13 (61.9%)	21
	Basic Unhappiness	8 (40.0%)	12 (60.0%)	20
	Religiosity	6 (42.9%)	8 (57.1%)	14
	Communication	7 (58.3%)	5 (41.7%)	12
	Infidelity-Self	3 (30.0%)	7 (70.0%)	10
	Financial Problems	1 (11.1%)	8 (88.9%)	9
	Sexual Difficulties	2 (28.6%)	5 (71.4%)	7
	Incarceration	1 (20.0%)	4 (80.0%)	5
Total		143 (23.8%)	457 (76.2%)	600



Table 88: Second stated reason for divorce

		Applicant's Gender		Total
		Male	Female	
Second stated reason for divorce	Basic Unhappiness	47(36.2%)	83(63.8%)	130
	Financial Support Difficulties	7(7.8%)	83(92.2%)	90
	Incompatibility	29(40.3%)	43(59.7%)	72
	Physical Abuse-Victim	3(4.8%)	59(95.2%)	62
	Abandonment	8(20.5%)	31(79.5%)	39
	Drug Abuse-Spouse	3(7.9%)	35(92.1%)	38
	Infidelity-Spouse	7(20.0%)	28(80.0%)	35
	Communication	6(27.3%)	16(72.7%)	22
	Alcohol-Spouse	4(22.2%)	14(77.8%)	18
	Religiosity	4(22.2%)	14(77.8%)	18
	In-laws	4(22.2%)	14(77.8%)	18
	Not stated	6(46.2%)	7(53.8%)	13
	Infidelity-Self	7(58.3%)	5(41.7%)	12
	Other Spouse	0(0%)	11(100.0%)	11
	Financial Problems	1(10.0%)	9(90.0%)	10
	Sexual Difficulties	5(62.5%)	3(37.5%)	8
	Apostasy	1(33.3%)	2(66.7%)	3
	Incarceration	1(100.0%)	0(0%)	1
Total		143(23.8%)	457(76.2%)	600

Table 89: Divorce catalyst – event vs. life-style

Nature of complaint	Frequency	Percent
event	190	31.7
life style	410	68.3
Total	600	100.0

*Trends between the MJC and the NUC divorce statistics*

Table 90: Comparative gender distribution of the MJC and the NUC divorce applicants

	Percent (%)	
	the MJC	the NUC
Male	25.8	11.3
Female	74.2	88.8
TOTAL	100	100

Table 91: Comparative work categories of the MJC and the NUC divorce applicants

	Percent (%)	
	the MJC	the NUC
Unemployed	40.2	35.0
Unskilled	7.3	16.3
Semi-skilled	27.1	28.8
Skilled	21.5	16.3
Professional	3.8	3.8
Total	100.0	100.0

Table 92: Comparative distribution of converts among the MJC and the NUC divorce applicants

	Percent (%)		Percent (%)	
	the MJC		the NUC	
	Applicant	Respondent	Applicant	Respondent
Yes	22.1	32.1	23.8	18.8
No	77.9	67.9	76.3	81.3
Total	100.0	100.0	100.0	100.0

Table 93: Comparative distribution of the MJC and the NUC divorce applicants with regard to residential areas

	Percent (%)	
	the MJC	the NUC
Athlone	9.6	8.8
Belhar	1.3	5.0
Bonteheuwel	4.4	7.5
Cape Town	5.6	2.5
Delft	4.0	3.8
Elsies River	3.3	0
Grassy Park	6.5	13.8
Hanover Park	6.9	0
Heideveld	2.7	1.3
Kensington	1.7	2.5
Lansdowne	1.9	3.8
Manenberg	4.2	3.8
Mitchells Plain	32.7	30.0
Parkwood Estate	1.5	1.3
Retreat	3.7	2.5
Steenberg	1.7	3.8
Surrey Estate	2.7	2.5
Wynberg	3.7	2.5
Outside CT	.2	1.3
Boland	1.5	3.8
Total	100.0	100.0

Table 94: Annual divorce trend at the MJC and the NUC by month

Month of Divorce	Percent (%)	
	the MJC	the NUC
JANUARY	5.8	3.8
FEBRUARY	9.6	8.8
MARCH	8.7	7.5
APRIL	6.7	12.5
MAY	9.4	12.5
JUNE	10.2	8.8
JULY	9.4	10.0
AUGUST	10.8	7.5
SEPTEMBER	8.1	6.3
OCTOBER	7.5	6.3
NOVEMBER	7.1	8.8
DECEMBER	6.7	7.5
Total	100.0	100.0

Table 95: Referral agencies at the MJC and the NUC

Referral Agency	Percent (%)	
	the MJC	the NUC
None	85.8	86.3
Local Imam	8.3	2.5
Marital Agency	2.7	8.8
Community Agency	3.3	2.5
Total	100.0	100.0

Table 96: Duration (in months) of the divorce procedure at the MJC and the NUC

		Divorce Agency		Total
		the MJC	the NUC	
Duration (in months) of the divorce procedure*	-1	63(98.4%)	1(1.6%)	64 (12.7%)
	1	159(92.4%)	13(7.6%)	172 (34.2%)
	2	70(76.1%)	22(23.9%)	92 (18.3%)
	3	34(87.2%)	5(12.8%)	39 (7.8%)
	4	25(75.8%)	8(24.2%)	33 (6.6%)
	5	19(79.2%)	5(20.8%)	24 (4.8%)
	6	16(76.2%)	5(23.8%)	21 (4.2%)
	7	9(69.2%)	4(30.8%)	13 (2.6%)
	8	9(90.0%)	1(10.0%)	10 (2.0%)
	9	8(66.7%)	4(33.3%)	12 (2.4%)
	10	6(75.0%)	2(25.0%)	8 (1.6%)
	11	4(66.7%)	2(33.3%)	6 (1.2%)
	12	9(100.0%)	0(0%)	9 (1.8%)

\* Only the first twelve months are reflected in this table

Table 97: Number of consultative meetings at the MJC and the NUC

Number of consultations	Percent (%)	
	the MJC	the NUC
1	11.9	1.3
2	23.5	7.5
3	21.9	15.0
4	14.8	17.5
5	10.8	10.0
6	6.3	8.8
7	4.2	10.0
8	3.3	13.8
9	.8	2.5
10	.8	6.3
11	1.2	1.3
12	.4	3.8
14	.2	2.5
Total	100	100

Table 98: Presence of both spouses at divorce proceedings at the MJC and the NUC

Both spouses present	Percent (%)	
	the MJC	the NUC
Yes	45.4	42.5
No	54.6	57.5
Total	100.0	100.0

Table 99: Official status of divorce at the MJC and the NUC

Official status	Percent (%)	
	the MJC	the NUC
Talaq	62.5	25.0
Fasakh	37.5	75.0
Total	100.0	100.0

Table 100: First stated reason for divorce at the MJC and the NUC

First Reason	Percent (%)	
	the MJC	the NUC
Drug Abuse-Spouse	14.4	16.3
Sexual Difficulties	1.2	1.3
Other Spouse	5.2	15.0
Physical Abuse-Victim	9.0	22.5
Financial Support Problems	5.4	2.5
Abandonment	8.3	2.5
Infidelity-Spouse	21.3	11.3
Alcohol-Spouse	3.8	5.0
Incompatibility	11.9	7.5
Religiosity	2.3	2.5
In-laws	3.8	3.8
Basic Unhappiness	3.3	3.8
Apostasy	4.0	1.3
Incarceration	.8	0
Communication	1.9	2.5
Financial Problems	1.3	2.5
Infidelity-Self	1.9	0
Total	100.0	100.0

Table 101: Second stated reason for divorce at the MJC and the NUC

Second reason	Percent (%)	
	the MJC	the NUC
Not stated	2.5	0.0
Drug Abuse-Spouse	6.3	6.3
Sexual Difficulties	1.3	1.3
Other Spouse	1.5	3.8
Physical Abuse-Victim	9.6	15.0
Financial Support Difficulties	15.4	12.5
Abandonment	6.9	3.8
Infidelity-Spouse	5.6	7.5
Alcohol-Spouse	3.5	0.0
Incompatibility	11.3	16.3
Religiosity	3.3	1.3
In-laws	3.1	2.5
Basic Unhappiness	21.9	20.0
Apostasy	.6	0.0
Incarceration	0.0	1.3
Communication	3.7	3.8
Financial Problems	1.3	3.8
Infidelity-Self	2.1	1.3
Total	100.0	100.0

*Trends over the six-year period of the study*

**Table 102: First stated reason for divorce from 1994 to 1999**

First-stated reason	Year	First-stated reason	Year
Drug abuse	1995 (20.4%)	Religiosity	1995 (28.5%)
Sexual difficulties	1999 (42.8%)	In-laws	1997 (26.1%)
Other spouse	1999 (23.1%)	Basic Unhappiness	1998/9 (30.0%)
Physical Abuse	1998 (33.8%)	Apostasy	1998 (28.5%)
Financial support problems	1994 (36.6%)	Incarceration	1996 (40.0%)
Abandonment	1996 (22.2%)	Communication difficulties	1997 (33.3%)
Infidelity Spouse	1996 (20.8%)	Financial problems	1999 (33.3%)
Alcohol Abuse	1994 (29.1%)	Infidelity Self	1997 (40.0%)
Incompatibility	1994/8/9 (17.6%)		

**Table 103: Second stated reason for divorce from 1994 to 1999**

Second-stated reason	Year	Second-stated reason	Year
Drug abuse	1997 (26.3%)	Religiosity	1994/8 (22.2%)
Sexual difficulties	1997 (36.3%)	In-laws	1998 (27.7%)
Other spouse	1995/6/8 (27.2%)	Basic Unhappiness	1995 (20.7%)
Physical Abuse	1997 (29.3%)	Apostasy	0
Financial support problems	1994 (30.0%)	Incarceration	0
Abandonment	1998 (25.6%)	Communication difficulties	1998 (27.2%)
Infidelity Spouse	1998/9 (22.8%)	Financial problems	1995 (40.0%)
Alcohol Abuse	1997 (22.2%)	Infidelity Self	1996 (33.3%)
Incompatibility	1999 (29.1%)		

**Table 104: Types of catalyst for divorce at the MJC and the NUC**

Types of catalyst for divorce	Percent (%)	
	the MJC	NOC
Event	35.0	10.0
Life style	65.0	90.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>